

CONDITIONAL USE PERMIT MODIFICATION FINDINGS

1395 Coronado Avenue
Case No. 2102-21 (MOD20-09)
March 4, 2021

Pursuant to Section 21.25.206 (Required Findings) of the Long Beach Municipal Code (LBMC), a Conditional Use Permit (CUP) 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 in General Plan Neo-Industrial (NI) Placetype and within the Light Industrial (IL) Zoning District. The Neo-industrial Placetype encourages the location, evolution and retention of restricted light industrial activities associated with innovative start-up businesses and creative design offices and overall existing buildings within the Zaferia area are considered suitable for adaptive reuse. The proposed modification is a request to modify conditions associated with a previously approved restaurant and associated art gallery at 1395 Coronado Ave. The proposed Conditional Use Permit modification to allow for the off-site alcohol sales of beer and wine as part of the existing (Alcoholic Beverage Control-License Type 47) in conjunction with a restaurant and art gallery is consistent with the requirements of this district. The off-site sale of beer and wine is compatible with the site because the off-site sale will be associated with the primary use of a restaurant and art-gallery and therefore the intended use of the site is consistent with the General Plan.

The project is not located in the Coastal Zone and no specific plans apply to this location. The project site is located within the IL zone which allows the off-site sale of beer and wine with Planning Commission approval of a Conditional Use Permit (CUP). Therefore, approval of this project would be consistent with the General Plan and the zoning regulations.

- 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**

While the proposed sale of beer and wine for off-site consumption has the potential to adversely impact the surrounding neighborhood; however, several stringent Conditions of Approval are included to generally ensure the operations can be

conducted in a manner that is compatible with surrounding uses. In particular, a requirement that the applicant file for a one year plan review will give the City the ability to review and modify as appropriate conditions associated with approvals granting the use of outdoor speakers in an enclosed courtyard. Conditions also limit the business hours of operation but also the hours during which outdoor sound amplification is permitted, limiting the hours during weekdays and permitting longer hours, to coincide with the restaurant/gallery hours of operation, on weekends. These conditions will ensure that the use does not become a nuisance to the neighbors, particularly the residential uses to the north and east of the subject site. Included with this approval, the prohibition of any loitering or queuing of patrons beyond the interior of the tenant space. Additionally, the sale of alcoholic beverages for consumption off-site shall only be allowed as an accessory to on site sale and consumption as allowed by ABC license type 47. The incorporation of such stringent Conditions of Approval gives staff the authority to periodically re-inspect the project site and enforce permit revocation, if the permitted use becomes a nuisance to the neighborhood.

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

Sections 21.52.100 and 21.52.201 state that the following conditions shall apply to all alcoholic beverage sales uses requiring a Conditional Use Permit, unless specifically 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 project site consists of an art gallery, and restaurant space in an existing 6,250 square foot industrial building with no parking. Special Development standards for an Adaptive Reuse project (LBMC 21.45.500.F) requires two (2) spaces per every (1,000) square feet of usable internal space and seventy-five percent (75%) of the minimum required parking shall be provided for assembly, office or retail conversions in mixed use or stand-alone buildings. The purpose of the Adaptive Reuse is to help re-use older buildings, thus reducing the parking required. Overall, the parking required for the site is 25 parking spaces, with 14 grandfather parking spaces from the previous use of a pre-school and a warehouse. Consequently, the new restaurant, bar and art gallery will result in an increase of 11 parking spaces. The applicant has secured the required 11 parking spaces at 1322-1326 Obispo Avenue, less than 600 feet away. Additionally, the applicant is providing valet parking in the front of the proposed project to assist with the overall operation of offsite parking. The proposed sale of on-site and off-site sales will not require an additional parking since they currently meet the existing parking requirements.

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 use will provide adequate security measures 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 operator shall be required to prevent loitering in the parking lot or anywhere on the exterior of the establishment. Conditions #26 requires the operator to ensure there is no loitering around the property and within the parking lot.

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.

The sale of off-site consumption would not add an additional alcohol license type, as it is customary for this license type to authorize the sale of beer and wine for consumption off the license premise. Although the allowance for off-site sale of beer and wine does not require an additional license staff consulted with the Long Beach Police Department for their recommendation and crime statistics and alcohol license overconcentration.

Although the proposed off-site sale would not require an additional off-site license, the following information is important for the overall recommendation. The project site is located within Census Tract 5751.03, where up to three off-site and five on-site licenses are allowed based on ABC criteria for population, which establishes a threshold for overpopulation within a census tract. Currently, there is one off-site and five on-site sale ABC licenses in this census tract, the proposed restaurant would sell beer, and wine within the existing ABC Type 47 license which will not change the total number of on-sale or off-sale licenses in the census tract. The allowance for the off-site sale of beer and wine would not result in an overconcentration of off-site or on-site licenses in the census tract.

The site is located within Police Reporting District 512, which is not considered a high-crime rate area based on a crime rate of 90, with the high-crime rate threshold being 97. Although the project site is not located within a high-crime Reporting District, staff has consulted with the Long Beach Police Department (LBPD) to address concerns regarding potential nuisance impacts on the surrounding neighborhood. Several stringent conditions of approval have been

included to closely monitor the operation of the bar and ensure that the use does not threaten public health, safety, or welfare.

- 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 proposed off-site sale of beer and wine, within the art gallery and associated restaurant is not located within 500' of a park or public school; the nearest park, Orizaba Park, is approximately 850 feet away. The Nearest school is over 1,500 feet away. Based on the location this condition is waived.

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

This project does not include any new development and consists of the establishment of off-site alcohol sales in conjunction with art gallery, and restaurant as a primary use within an existing tenant space.