

**CONDITIONAL USE PERMIT FINDINGS**  
**1436 East 7<sup>th</sup> Street**  
**Application No. 2304-14 (CUP23-012)**  
**September 07, 2023**

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 along with staff analysis are presented below 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 site is in the Community Commercial – Pedestrian Oriented (CCP) zoning district, which allows for medium scale uses that serve an entire community, including those who arrive by automobile. The district permits retail and service uses with a development character intended to encourage pedestrian activity with buildings built to the street property line and parking is to the side or the rear. The site is also designated as the Neighborhood Serving Centers or Corridors – Moderate (NSC-M) PlaceType in the General Plan Land Use Element (LUE), which allows for neighborhood-serving, moderate-intensity commercial uses; as well as moderate-density apartment and condominium buildings on larger parcels of land. This LUE PlaceType is intended to encourage a variety of commercial uses that meet consumers' daily needs for goods and services, including but not limited to restaurants, cafes, retail shops, financial institutions, fitness centers and other daily conveniences within walking distance from residential uses. The proposed Conditional Use Permit (CUP) for California Department of Alcohol Beverage Control (ABC) license type 47 for on-site alcohol sales is in conjunction with a restaurant and is consistent with the purpose and goals of the PlaceType. One of the citywide goals identified in the Land Use Element is to support neighborhood preservation and enhancement (Goal No. 4 of the Land Use Element, page 117-118). Under this goal, the City strives to provide amenities and enhance facilities to support the single-family neighborhoods. The project would also help strengthen the City's fiscal health by stimulating continuous economic development and job growth (Goal No. 2 of the Land Use Element, page 111-113). Improving access to wide range of uses, including establishing commercial and retail uses on the periphery of neighborhoods or in commercial hubs to better serve residents and incorporating a variety of design enhancements and sustainable practices is consistent with and implements this and other General Plan goals. The proposed sale of alcohol is ancillary to the restaurant. The diversity of offerings proposed at the establishment improves nearby residents' access to a variety of quality sit down restaurant with a bar, consistent with sustainable development patterns and reducing vehicular trips. The use as conditioned would be consistent with General Strategy No. 10 (Land Use Element page 118) – to "create complete neighborhoods with identifiable centers and a full range of supporting neighborhood-serving uses to meet the daily needs of residents." Conditions of approval have been included to prevent nuisances and minimize

negative impacts to surrounding areas, which include mandatory staff training, ID checking, and a security camera system.

No specific plan applies to the subject site nor is the site within the Local Coastal Program area. The General Plan Land Use Element PlaceType designation (NSC-M) has been established to accommodate uses that serve the neighborhood in their day-to-day activities. And serve as buffers to the adjacent residential areas. Therefore, approval of the Conditional Use Permit for the sale of beer, wine, and distilled for on-site consumption is an appropriate use, as it provides ancillary alcohol sales in conjunction with a restaurant within an established commercial corridor.

**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 establishment with on-site alcohol sales will be ancillary to the primary use which is a restaurant that will sell a variety of Mexican ceviche's, seafood dishes, and typical Mexican dishes. The 1,898-square foot commercial space features 715-square feet of dining area, and approximately 52-square-feet of bar area. They anticipate employing approximately twelve to fourteen (12-14) staff members, and the hours of operation will be Monday through Wednesday from 7:00 a.m. to 11:00 p.m. and Thursday through Sunday from 7:00 a.m. to 12:00 a.m. The use also proposes to operate karaoke daily from 6:00 p.m. to 10:00 p.m.. As conditioned, the site will be equipped with a surveillance system, strict alcohol training for staff with ID checking, and will include exterior cameras to deter criminal activity and promote safety.

The property is located within a 2-tenant commercial building. A restaurant with ancillary on-sale alcohol has existed in the tenant space since 2001. The previous use was a restaurant with an ABC type 41 license approved through a Conditional Use Permit Exemption (CUPEX) as a legal, non-conforming use. However, interior, and exterior remodeling work was completed without the benefit of a building permit, which included an expansion to the existing bar area. These modifications therefore nullified the legal, non-conforming status of the previous use. Therefore, a Conditional Use Permit is required and includes an upgraded ABC type 47 license. The proposed use, as conditioned, would not be detrimental to the community.

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE23-100) was prepared for this project. The proposed use will be established within an existing 1,898-square foot commercial space .

**3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USE, ASSISTED IN CHAPTER 21.52**

In addition to the above findings, Section 21.52.201 states that the following Conditions shall apply to all Alcoholic Beverages sales uses requiring a Conditional Use Permit:

**A. The business operator shall provide parking for the use equivalent to the parking required for new construction regardless of the previous use as to legal nonconforming rights.**

There is currently no on-site parking provided on the existing parcel. State Assembly Bill (AB) 2097 prohibits a city or municipality from imposing minimum parking requirements on residential, commercial, and industrial development projects that are located within a half-mile radius of a major transit stop. Short-term lodging projects are excluded from this provision. This project is for a restaurant within an existing commercial space and is located within half-mile from a major transit stop. Therefore, pursuant to AB2097, no parking requirements may be imposed for this project, nor is any voluntarily provided.

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

Staff consulted with the Long Beach Police Department (LBPD) on this application. Conditions of approval have been included pertaining to site lighting and security. The LBPD provided CPTED comments to mitigate these concerns related to lighting and security cameras. The site will be equipped with a surveillance system, which will include exterior cameras to deter criminal activity and promote safety. The proposed use as conditioned would not be detrimental to the community.

**C. The business operator shall prevent loitering or other activity in the parking lot that would be a nuisance to adjacent uses and/or residential neighborhoods.**

Conditions of Approval 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 evaluated the number existing alcohol licenses in the subject Census Tract, as well as the number of reported crimes in the subject Police Reporting District. Long Beach Municipal Code Section 21.52.201 of the zoning

regulations requires that the use shall not be permitted 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 permitted in a reporting district with a high crime rate, as reported by the Long Beach Police Department. Pursuant to Long Beach Municipal Code Section 21.52.100 that condition shall be imposed unless findings of fact can be made to provide relief from the condition.

According to the ABC License Report, the subject property is within Census Tract 5765.02. There are currently three (3) existing on-sale licenses within this Census tract, and the tract envisions four (4) on-site alcohol licenses. The current use would replace an existing on-sale license and not result in a net increase in on-sale licenses. The primary use is a restaurant, and the sale of alcohol is ancillary to the primary restaurant use. As such, the proposed project is not adding an establishment whose primary business involves the sale of alcohol, such as a bar or a liquor store, and is therefore not anticipated to have the negative impacts that can sometimes be associated with alcohol sales. Furthermore, the use is within a tenant space that has historically housed a restaurant with on-sale alcohol. To ensure the use operates in a manner compatible with the surroundings, staff has incorporated additional conditions of approval.

The Police Department has also reviewed the CUP request for this location. The site is located within Police Reporting District 361 within the South Division, which is designated as a high crime area. The high-crime threshold is 66. Reported crimes for the district were 72 which is above the high crime threshold. Of the calls for service, none were attributed to the project site. The Long Beach Police Department has no objection to its approval. Additional conditions pertaining to lighting and security have been included to help mitigate any potential negative impacts to 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 200,000 square feet of floor area, and also providing fresh fruit, vegetables, and meat in addition to canned goods.**

The tenant space is approximately 925-feet from Ben Franklin Classical Middle School and 1,308-feet from Craftsman Village Park. The distance from the proposed use is an important condition given the risk potential related to alcohol consumption, and the need to prioritize the health, safety and welfare of families and their children. The distance of this project relative to existing schools and parks complies with this condition. Furthermore, with the imposed conditions as state above, the risk potential for the proposed alcohol use would be reduced.

- 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.**

Section 21.45.400 specifies specific types of projects that require compliance with green building standards. The proposed use is not one of the types of projects that require compliance with Section 21.45.400, and therefore, this section of the Municipal Code would not be applicable to the proposed use.