

**CONDITIONAL USE PERMIT
FINDINGS
6430 East Pacific Coast Highway
Application No. 2107-17 (CUP21-014)
January 5, 2022**

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 project site is located within the SP-2 Zoning District in the Coastal Zone. The 2019 General Plan Land Use Element Place Type designation is Regional Serving Facility (RSF). However, the California Coastal Commission (CCC) has not yet certified the City's 2019 Land Use Element. Therefore, the applicable General Plan Land Use Designation is No. 7 – Mixed Use from the 1989 Land Use Element. LUD #7 is intended to blend compatible land uses with the goal of increasing the efficiency and vitality of an urban site. The proposed on-site and off-site sale of beer through a Conditional Use Permit for a 170 square-foot shipping container structure within an open-air shopping center where restaurants with outdoor dining are in operation and are 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 Specific Plan (SP-2) Zoning District, as the on-site and off-site sale of alcoholic beverages at restaurants are allowed through the Conditional Use Permit process.

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 any potential detrimental effects on the surrounding community. These conditions include measures pertaining to security, noise, employee training on alcohol service, loitering, lighting, and hours of operations. Also, a condition has been added requiring the establishment to allow food from adjacent restaurants within the proposed tasting lounge. By imposing these conditions, the proposed use shall operate in a manner that is sensitive to surrounding uses and residents.

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

The uses within in the center consist of retail along with restaurant uses. The site currently has 1,120 parking spaces available for the center and is in compliance with the required number of parking spaces.

B. The business operator 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 business operator 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, 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 (5776.04) in which this Conditional Use Permit for a small brewery is located, 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. Crime in a reporting district must be at least 97 to qualify for a high crime protest. Reported crimes in this district for ABC purposes are 142, therefore, the restaurants are located in a high crime area and is

overconcentrated in the number of alcohol sales per LBPd; however, the 2nd and PCH shopping center is a regional destination with a small residential population. Security measures such as security cameras and lighting have been incorporated to ensure minimization of any negative impacts associated with the operation of the project. Therefore, staff is requesting Planning Commission find the over concentration permissible within a high-crime area in this shopping-center circumstance due to mitigating factors.

- 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 shopping center is also within 500 feet from Dennis Williams Greenway Park. Staff consulted with LAPD and it was determined the adjacent park is a non-issue for the police department due to the passive nature of the park. Additionally, the park is more than 1000 feet from the actual proposed use.

The shopping center and proposed use is not located within 500 feet of a public school.

- 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 project does not propose any additional building square footage. The proposed use is not one of the types of projects that require compliance with Section 21.45.400 related to building energy efficiency.

**LOCAL COASTAL DEVELOPMENT PERMIT
FINDINGS**

**6430 Pacific Coast Highway
Application No. 2107-17 (LCDP21-035)
January 5, 2022**

Pursuant to Section 21.56.904 of the Zoning Ordinance, a Local Coastal Development Permit shall not be approved unless the following findings, in addition to any findings applicable under Chapter 21.25, are made. 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 site is located within an existing commercial area zoned (SP-2) Southeast Area Specific Plan (SEASP). The site is a regional and visitor serving commercial center that includes restaurants and retail. There are no residential units and therefore, it is not subject to the requirements for replacement of low and moderate-income housing. The approval of this Conditional Use Permit for the on-site and off-site sale of beer, 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 SECOND FINDING APPLIES ONLY TO DEVELOPMENT LOCATED SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE.

Chapter 3 of the Coastal Act deals with the public's right to use beach and water resources for recreational purposes. The chapter provides the basis for State and local government to require beach access dedication and to prohibit development, which restricts public access to the beach or/and water resources. The proposal for a public and visitor serving use within an existing development and will not impact or restrict public access.

3. FOR AN APPLICATION FOR A RELIGIOUS ASSEMBLY USE, IF AN EXCEPTION OR WAIVER OF LCP REQUIREMENTS IS SOUGHT UNDER SECTION 21.52.219.8.G, THAT THE EXCEPTION OR WAIVER ALLOWS THE MINIMUM DEVIATION FROM LCP REQUIREMENTS NECESSARY TO COMPLY WITH RLUIPA, AND THAT THE DECISION MAKER HAS IMPOSED ALL CONDITIONS NECESSARY TO COMPLY WITH ALL PROVISIONS OF THE LCP, WITH THE EXCEPTION OF THE PROVISION(S) FOR WHICH IMPLEMENTATION WOULD VIOLATE RLUIPA.

The project does not include a religious assembly use; therefore, this finding is not applicable to the proposed project.

- 4. THE PROPOSED DEVELOPMENT IS SITED, DESIGNED AND MANAGED TO MINIMIZE THE TRANSPORT OF POLLUTANTS BY RUNOFF INTO COASTAL WATERS AND GROUNDWATER, AND TO MINIMIZE INCREASES IN RUNOFF VOLUME AND VELOCITY FROM THE SITE WHICH MAY ADVERSELY IMPACT COASTAL RESOURCES OR COASTAL BLUFF STABILITY. BEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED, AS APPLICABLE, INCLUDING BUT NOT LIMITED TO APPLICABLE LOCAL, REGIONAL, STATE AND FEDERAL WATER QUALITY PERMITS, STANDARDS AND GUIDANCE PROVIDED IN THE LCP, BEST PRACTICES AND OTHER MEASURES AS MAY BE RECOMMENDED BY THE CITY ENGINEER.**

The project consists of a CUP to permit the on-site and off-site sale of beer within a new 170-square-foot shipping container structure and new outdoor tasting lounge within an existing development. All onsite construction related to the new structure and site improvements are required to comply with all applicable local, regional, state, and federal water quality permits. Therefore, adherence to permit requirements would minimize the transport of pollutants and runoff that could impact coastal resources.