

## Attachment F

**CONDITIONAL USE PERMIT  
FINDINGS  
1900 East Ocean Boulevard  
Application No. 2105-17 (CUP21-010)  
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 subject site is in General Plan Land Use District No.4 (High Density Residential), within the PD-5 (Ocean Boulevard) Zoning District, and within the Coastal Zone. The General Plan Land Use Element update adopted in 2019 has not yet been certified; therefore, the previous Land Use Element (1989) remains applicable to the project site.

The General Plan Land Use Element (1989) identifies this land use district as an area that encourages various densities for housing and that encourages access to transportation and services (General Plan Page 60). The existing restaurant and outdoor patio within the mixed used complex is legal non-conforming. The project proposes to remodel the interior dining area of the existing restaurant and proposes no modifications to the exterior of the building. The interior remodel includes the replacement of an existing dining ledge with a 49.9 square-foot bar and to upgrade the alcohol license from the existing Type 41 (beer and wine for on-site consumption) to a Type 47 (beer, wine, and distilled spirits for on-site consumption). Thus, the project site will remain a restaurant and no change of use is to occur. The predominant use on the site will remain a residential building.

The Ocean Boulevard (PD-5) Zoning District implements the general plan as it is established to encourage a built environment that is sensitive to public interests. The expansion of on-site alcohol sales at an existing legal non-conforming restaurant with a bar is a permitted use within this district by means of an Administrative Use Permit and Conditional Use Permit. Thus, the proposed restaurant and bar would be consistent with the zoning regulations.

The Local Coastal Program (LCP) identifies the subject site and the south side of Ocean Boulevard from Alamitos Avenue on the west to Cherry Avenue on the east (Area A – The Bluffs). As the proposed restaurant is open to the public, both residents and visitors will benefit. Therefore, the existing restaurant is a visitor service facility and supports public access to the beach consistent with 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 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. 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 site has two (2) dedicated on-site parking spaces accessible to patrons of the restaurant. The site was designed with limited parking due to previous zoning ordinances. There is no opportunity for the applicant to introduce additional parking stalls to the site as the lot in question is completely built out from property line to property line. The existing restaurant has an existing alcohol license Type 41 (beer and wine for on-site consumption with meals); thus this application is to upgrade the license to Type 47 (beer, wine, and distilled spirits for on-site consumption). Special conditions will ensure that the alcohol sold, and the addition of the bar remains accessory to the primary restaurant use. The proposed interior remodel includes replacement of a serving ledge with a 49.9 square-foot bar. The existing restaurant has legal nonconforming parking rights, and the new bar area and other interior improvements would create no net increase in parking. However, the overall dining area square footage will have a net decrease to compensate for the bar area. Due to the extenuating circumstances and difficulty providing additional parking on-site or off-site, staff recommends approval of the project and continuation of the existing nonconforming parking rights.

**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.**

The project is located within Police Reporting District 352. The crime rate for this reporting district is 176, with the high crime rate being 97. 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 security, LBPD is in support of this application.

The project site is located within Census Tract 5766.02, in which a maximum number of nine (9) on-sale alcohol licenses are permitted. The Census Tract currently has 4 establishments with on-premise alcohol sales. This application would not introduce any additional alcohol licenses, instead it is upgrading the current license type, so the established number of alcohol licenses will remain the same within the census tract.

- 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 subject site is within an existing mixed used complex located on Ocean Boulevard in between 14<sup>th</sup> Place to the west and Cherry Avenue to the east and is an exceptional recreation/ visitor serving facility located on the bluff that offers tourists and the surrounding community an opportunity to enjoy a unique dining experience. The subject site offers patrons views of the coastline and shoreline access via the stairway located on 14<sup>th</sup> Place. The subject site is not within 500 feet of a public school. The subject site abuts and is adjacent to park districts and is located within 500 feet of a public park; however, special 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, and lighting, and limiting hours of operation.

- 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  
1900 East Ocean Boulevard  
Application No. 2105-17 (LCDP21-034)  
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 project consists of an Administrative Use Permit (AUP) to allow the conversion of 49.9 square feet of restaurant area to a bar and a Conditional Use Permit (CUP) to expand the range of alcohol permitted for on-site alcohol sales (Type 47 - On-Sale General – Eating Place) at an existing restaurant. The existing restaurant is located on the second floor of an 18-story residential building within the Ocean Boulevard (PD-5) Zoning District. The existing restaurant currently operates with an Alcoholic Beverage Control (ABC) Type 41 license. The existing restaurant ABC license was approved under a Conditional Use Permit Exemption (App. No. 1612-02). The proposed expansion in the range of alcoholic beverages sold will not increase the number of ABC licenses with the census district. There is no exterior modifications and no new building square footage proposed as part of this application.

The Local Coastal Program (LCP) identifies the subject site and the south side of Ocean Boulevard from Alamitos Avenue on the west to Cherry Avenue on the east (Area A – The Bluffs). The project site is within an existing mixed used building located on Ocean Boulevard in between 14<sup>th</sup> Place to the west and Cherry Avenue to the east. Area A is primarily a residential district with a commercial development along Broadway.

The proposed project, CUP for alcohol service, would not change the existing conditions onsite and would not impact any of the residential units. The service of alcoholic beverages at the existing restaurant and patio would remain an accessory to the primary residential use of the site. The CUP would not affect coastal access or impede the ability for the existing light commercial use to continue in conformance with the LCP. In fact, the continuation of this use would serve visitors and allow them to view the coast while dining. Therefore, the CUP would be consistent with the policies outlined in 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.**

Chapter 3 of the Coastal Act deals with the public's right to use beach and water resources for recreational purposes. This project consists of a minor interior tenant improvement within an existing structure and upgrade of the Alcohol Beverage Control License Type for a legal nonconforming restaurant within a mixed-used building. No exterior modification, additional square footage, or exterior improvements are proposed. The proposed use would continue to serve visitors and allow them to view the coast while dining or having a drink. Thus, the scope of work conforms to the public access and recreational policies of Chapter 3 of the Coastal Act.

- 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 entails a CUP for alcohol service at an existing restaurant with patio and new 49.9 square-foot bar within an existing structure. All onsite construction related to the interior remodel is 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 resource.

**ADMINISTRATIVE USE PERMIT FINDINGS**  
**1900 East Ocean Boulevard**  
**App. No.2105-17 (AUP21-039)**  
**Date: January 5, 2022**

Pursuant to Chapter 21.25, Division IX of the Long Beach Municipal Code, the City shall not approve an Administrative Use Permit unless positive findings are made consistent with the criteria set forth in the Zoning Ordinance.

**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.4 (High Density Residential), within the PD-5 (Ocean Boulevard) Zoning District, and within the Coastal Zone. The General Plan Land Use Element update adopted in 2019 has not yet been certified; therefore the previous Land Use Element (1989) remains applicable to the project site.

The General Plan Land Use Element (1989) identifies this land use district as an area that encourages various densities for housing and that encourages access to transportation and services (General Plan Page 60). The existing restaurant and outdoor patio within the mixed used complex is legal non-conforming. The project proposes to remodel the interior dining area of the existing restaurant and proposes no modifications to the exterior of the building. The interior remodel includes the replacement of an existing dining ledge with a 49.9 square-foot bar and to upgrade the alcohol license from the existing Type 41 (beer and wine for on-site consumption) to a Type 47 (beer, wine, and distilled spirits for on-site consumption). Thus the existing use will remain a restaurant and no change of the principal use would occur. The predominant use on the site will remain residential.

The Ocean Boulevard (PD-5) Zoning District implements the General Plan as it is established to encourage a built environment that is sensitive to public interests. The expansion of on-site alcohol sales and change of alcohol license Type at an existing legal non-conforming restaurant with a bar is permitted within this district by means of an Administrative Use Permit and Conditional Use Permit. Thus, the proposed restaurant and bar would be consistent with the zoning regulations.

The Local Coastal Program (LCP) identifies the subject site and the south side of Ocean Boulevard from Alamitos Avenue on the west to Cherry Avenue on the east (Area A – The Bluffs). As the proposed restaurant is open to the public, both residents and visitors will benefit. Therefore, the existing restaurant is a visitor service facility and supports public access to the beach consistent with 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**

The restaurant is an existing legal non-conforming use and the incorporation of the bar will be an accessory use within it. 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 operation. 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 THE USE ENUMERATED IN CHAPTER 21.52; AND**

Although Chapter 21.52 does not enumerate any special conditions related specifically to the conversion of a restaurant area to bar or for the expansion of the range of alcohol to be sold, Section 21.52.201 does enumerate special conditions for alcohol beverage sale uses that require Conditional Use Permits which are analyzed separately in the findings for Conditional Use Permit CUP21-010.

**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.