

CONDITIONAL USE PERMIT FINDINGS

**4137 East Anaheim Street
Application No. 1811-14 (CUP18-039)
August 1, 2019**

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 Land Use District #8M (Mixed Office/Residential Strip) and within the Community Commercial R-4-N (CCN) zoning district. LUD #8 is established to encourage a mix of free-standing office buildings with free standing residential buildings with the provision for some retail uses in the ground floors. The applicant proposes to establish a restaurant with bar within an existing two-tenant commercial building along Anaheim Street, a major arterial within the city of Long Beach. The existing commercial building includes a restaurant (Roundin' 3rd Sports Bar & Grill), and the applicant proposes to operate a new restaurant in the existing, vacant tenant space. The proposed sale of beer, wine, and distilled spirits for on-site consumption associated with the new restaurant is consistent with the requirements of this district, 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 CCN zone which allows the on-site sale of beer, wine, and distilled spirits at an eating place 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, wine, and distilled spirits for on-site consumption has the potential to adversely impact the surrounding neighborhood, several stringent Conditions of Approval are included to give staff the authority to closely monitor the use to ensure that it will not become detrimental to the community. These conditions include the prohibition of any outdoor patios attached to the tenant space, the provision of safety and security measures to the satisfaction of the Chief of the Long Beach Police Department (LBPD), prohibition of any expansion of bar or dining area above what is included with this approval, the prohibition of any loitering or queuing of patrons beyond the interior of the tenant space, the prohibition of sale

of alcoholic beverages for consumption off-premises, and the prevention of any loud noises coming from the tenant space. 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 a two-tenant commercial building of 5,200 square feet and 17 parking spaces. The applicant proposes to establish a restaurant that includes an 83-square-foot service bar and a 912-square-foot dining area. A restaurant with 1,171 square feet of dining area previously occupied the subject tenant space. At the parking rate for a 'dinner restaurant' use (10 spaces per 1,000 square feet of dining area), the previous restaurant required a total of 12 parking spaces. The new restaurant is proposed with 912 square feet of dining, which requires 10 parking spaces. Including the proposed 83 square feet of bar seating area, which requires two parking spaces, the total number of parking required for the new restaurant and bar is 12 spaces. Consequently, the new restaurant and bar will not result in an increase in parking required beyond that which was required for the previous restaurant.

Although the proposed project does not result in a net increase in parking, the applicant has secured 10 off-site parking spaces approximately 300' away from the project site at Sani-Tec Janitorial Supply to ensure ample parking for patrons. A retail use/repair shop, such as Sani-Tec Janitorial Supply, generates a lower demand for parking throughout the day compared to a restaurant use. Therefore, with the leasing of 10 off-site parking spaces in addition to the 17 on-site parking spaces, staff does not anticipate any parking issues with the new restaurant and bar.

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.

- 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 site is located within Police Reporting District 552, which is not considered a high-crime rate area based on a crime rate of 37, which is lower than the high-crime rate threshold of 115. 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.

The project site is located within Census Tract 5750.02, where up to four on-sale licenses are allowed based on ABC criteria for population, which establishes a threshold for overpopulation within a census tract. Currently, there are four ABC licenses in this census tract, and the proposed restaurant would sell beer, wine, and distilled spirits under a new ABC Type 47 license, bringing the total number of on-sale licenses in the census tract to five. The fifth new alcohol license would result in an overconcentration of on-sale licenses in the census tract. Although Special Condition D prohibits the approval of a new alcoholic beverage sales use in a reporting district with an overconcentration of on-sale premise licenses, LBMC Section 21.52.100 allows the Planning Commission to waive certain conditions with written findings. This condition regarding the overconcentration of licenses is waived based on the applicant operating at the subject site (at Roundin' 3rd Bar & Grill) with a Type 47 license since October 2014 and maintaining the license in good standing with no recent history of nuisance or disorder at the site. Additionally, the Type 47 license requires the operator to maintain the licensed premises as a bona fide restaurant.

- 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 restaurant is not located within 500' of a park; the nearest park is approximately 800 feet away. Bryant Elementary School is located approximately 220 feet north of the site. Although a public school is within 500 feet of the site, it is not directly accessible from Anaheim Street; the school is located north of the site, along East Fountain Street, between Termino Avenue and Belmont Avenue. Based on the geography and the fact that the business will be operated as a bona fide restaurant, 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 on-site alcohol sales in conjunction with a restaurant as a primary use within an existing commercial tenant space.