

**CONDITIONAL USE PERMIT
FINDINGS**

**5224 East 2nd Street
Application No. 1907-06 (CUP19-032) (LCDP19-016)
November 5, 2020**

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 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 on the south side of 2nd Street between Corona Avenue and Covina Avenue (Exhibit A – Vicinity Map). The site is part of the 2nd Street commercial strip and is adjacent to residential uses to the north and south. The subject site is in General Plan (1989) Land Use District No.8P (Pedestrian-Oriented Retail Strip District), within the CNP (Commercial Neighborhood Pedestrian-Oriented) Zoning District, and within the Coastal Zone.

This project proposes to remodel an existing restaurant with an active Alcoholic Beverage Control License by adding a fixed bar. Thus, the proposed restaurant and bar is consistent with the general plan.

The CNP Zoning District complements the general plan as it is established towards serving pedestrians and encourages overall pedestrian activity. Restaurants with bars are an allowed use within this district by means of a 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 shopping strip along 2nd Street as a whole, as a commercial strip serving the adjacent neighborhoods and coastal visitors. As the proposed restaurant and bar is open to the public, both residents and visitors will benefit. Therefore, the proposed restaurant and bar is 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 detrimental effects on the surrounding community. These conditions include measures pertaining to security, noise, alcohol serving, 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 USES, AS LISTED 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 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 site has no on-site parking, similar to many of the sites along 2nd Street due to previous zoning ordinances. There is no opportunity for the applicant to introduce any parking stalls to the site as the lot in question is completely built out from property line to property line. Existing use includes the sale of beer, wine and distilled spirits, thus this application will not change the variety of alcohol served. The proposed interior remodel includes the installation of an approximately 260-square-foot bar area. The existing restaurant has legal nonconforming parking rights and the new bar area and other interior improvements would create a net increase in parking. However, the overall occupancy for the restaurant will have a net decrease with the remodel, from 137 seats to 117 seats, including 13 fixed seats at 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 operator of the use 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 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 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.

The project is located within Police Reporting District 571. The crime rate for this reporting district is 164, where 108 is the threshold for high crime. 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 design and security, LBPD is in support of this application.

The project site is located within Census Tract 5773.00, in which a maximum number of five establishments serving alcohol are permitted. The Census Tract currently has 32 establishments with alcohol licenses including the subject site. This application will not result in a change in the existing number of licenses since the establishment already exists and does not propose to change its license type.

- 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 subject site is not located within 500 feet of a public school or public park. The nearest school to the subject address is Naples Elementary School which is approximately 3,168 feet away. The nearest park to subject address is Livingston Park which is approximately 2,112 feet away.

- 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.**

The proposed project does not propose any additional square footage. Therefore, this provision does not apply.

LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS

**5224 East 2nd Street
Application No. 1907-06 (CUP19-032) (LCDP19-016)
November 5, 2020**

Pursuant to Section 21.25.903 of the Long Beach Municipal Code, a Local Coastal Development Permit 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 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 Local Coastal Program (LCP) identifies the subject site, and the shopping strip along 2nd Street as a whole, as a commercial strip serving the adjacent neighborhoods and coastal visitors. As the proposed restaurant and bar is open to the public, both residents and visitors will benefit. Therefore, the proposed restaurant and bar is consistent with 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.

This second finding only applies to development located seaward of the nearest public highway to the shoreline. The subject site is not within this area. Thus, this second finding does not apply.