



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 WEST OCEAN BOULEVARD

LONG BEACH, CALIFORNIA 90802

(562) 570-6194

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May 1, 2014

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Approve a Conditional Use Permit (CUP) request to allow Type 20 (off-sale beer and wine) and Type 42 (on-sale beer and wine for public premises) alcohol licenses for a retail store described as a small boutique market featuring American-made craft beer, wine, cider, specialty snacks and gift baskets with a 21-and-over tasting event area located at 4242 Atlantic Avenue within the Neighborhood Pedestrian District (CNP) zone and accept Categorical Exemption 14-010. (District 8)

APPLICANT: Stateside Crafts, LLC
c/o Dawn Nadeau
420 W 31st Street
Long Beach, CA 90806
(Application No. 1402-03)

DISCUSSION

The project site is located on the east side of Atlantic Avenue midway between San Antonio Drive and Carson Street (Exhibit A – Location Map). The property is improved with a commercial building that fronts Atlantic Avenue and a parking lot located behind the building accessible by an alley. The applicant is seeking to establish a 1,332-square-foot retail store in one of the tenant spaces to sell craft beer and wine, as well as specialty snacks and gift baskets. The retail store will include a 150-square-foot tasting event area (Exhibit B – Floor Plans and Photographs).

The applicant is requesting a Type 20 (off-sale beer and wine) license to sell bottles of beer and wine for off-premises consumption and a Type 42 (on-sale beer and wine for public premises) license in order to operate the tasting event area. Although a Type 42 license is more commonly issued for locations operating as bars or taverns, the applicant was advised by the California Department of Alcoholic Beverage Control (ABC) to apply for the Type 42 license to give the applicant more flexibility in offering tastings. A Type 86 instructional tasting license requires the supplier to be present and is generally not available for businesses under 5,000 square feet. To address concerns regarding the Type 42 license, staff is recommending, as a Condition of Approval, that any change in the operation shall be reviewed by the Director of Development Services

to ensure compliance with this approval. Any major modifications, including expansion of the tasting event area, shall be reviewed by the Planning Commission.

In considering a CUP application for the sale of alcoholic beverages, staff evaluates the number of existing alcohol licenses in the subject Census Tract as well as the total number of reported crimes in the subject Police Reporting District. The census tract has an over-concentration of both off-sale and on-sale alcohol licenses per information received by ABC: three off-sale licenses are allowed in the census tract and five are existing and there are five on-sale licenses allowed with eleven existing (Exhibit C – ABC License Location Map). Another on-sale license was recently approved by the Planning Commission for the Weiland Restaurant located at 4354 Atlantic Avenue that is not reflected in the data from ABC. The project is not located in a high crime area per Long Beach Police Department (LBPD), however, staff consulted the LBPD regarding the request and they expressed no opposition to approval of this application as long as security measures are implemented per their recommendations and the sale of single bottles of beer is limited to “craft” beers as defined in the Conditions of Approval.

The zoning regulations also require that when a CUP is required for alcohol sales, the applicant must provide the full parking required for the use as though it were new construction. Given the commercial development pattern of the Bixby Knolls neighborhood, it is not possible for the applicant to provide the full parking required for a retail use, which is four spaces for every 1,000 square feet of gross floor area. The proposed use would require a total of six standard size parking spaces, based on the tenant space of 1,332 square feet. As the tasting event area will be limited to 150 square feet, it is treated as part of the retail and not calculated separately, this is consistent with how ready-to-eat restaurant uses are treated. The Zoning Code allows for proposed uses with non-conforming parking as long as the proposed use does not require more parking than the previously licensed use required. Here, the previous use was retail and the new use will be retail. As there will be no increase in the parking requirements, the Site Plan Review Committee has reviewed the proposal and recommends that the Planning Commission waive the parking requirement for this application.

The applicant has been pro-active in reaching out to community and business groups, residents, and the 8th City Council District, to explain the business concept and operations. Further, the applicant has proposed reasonable business hours that staff supports: Monday – Thursday, 11:00 AM to 7:00 PM; Friday-Saturday, 11:00 AM to 9:00 PM; and Sunday, 12:00 PM to 5:00 PM. Staff believes that approval of this application will have minimal impact, if any, upon the surrounding area and recommends that the Planning Commission approve, subject to conditions, the Conditional Use Permit (Exhibit D – Findings and Conditions of Approval).

PUBLIC HEARING NOTICE

A Notice of Application was sent to local community groups on March 10, 2014, and public hearing notices were distributed on April 14, 2014. No responses have been received as of the date this report was prepared.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 14-010) was prepared for the proposed project (Exhibit E).

Respectfully submitted,



JEFF WINKLEPLECK
ACTING PLANNING ADMINISTRATOR



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:JW:AZ

- Exhibits:
- A. Location Map
 - B. Floor Plan & Photographs
 - C. ABC License Location Map
 - D. Findings and Conditions of Approval
 - E. Categorical Exemption CE 14-010

CONDITIONAL USE PERMIT FINDINGS

Application No. 1402-03

Address: 4242 Atlantic Avenue

Date: May 1, 2014

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 project site is located within the General Plan Land Use District #8A (Traditional Retail Strip Commercial) and the Neighborhood Pedestrian District (CNP). The CNP zone allows on-site and off-site sales of alcohol subject to the approval of a Conditional Use Permit. A Conditional Use Permit is consistent when it carries out the intent of the land use district in which it is located, and otherwise complies with the required findings of the Zoning Regulations.

LUD #8A establishes a commercial district that is smaller in scale and serves local/neighborhood needs rather than community/regional needs. The land use district recognizes the continuing need to provide commercial uses along the frontages of certain streets for the service and convenience of persons needing local services. This proposal is consistent with the General Plan as it is a retail use that serves the community.

2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY, GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND

In accordance with the California Environmental Quality Act (CEQA) and the CEQA guidelines, a Categorical Exemption (CE 14-010) was prepared for this project.

The proposed use will not be detrimental to the surrounding community. With the proposed Conditions of Approval incorporated, the use will not be detrimental as it incorporates a number of operational requirements that address potential negative impacts from the proposed use. Approval of the

requested Conditional Use Permit will enable the City to enforce these conditions and address potential nuisances that may arise in the future.

Conditions that have been recommended as part of the approval include the following, which are intended to ensure that the proposed use is not detrimental to the community:

- Installation of any exterior newsstand and vending machines shall be prohibited.
- Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions.
- Video or coin operated games and the like shall be prohibited on site so as to discourage loitering on the premises.
- There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.
- The permittee shall maintain full compliance with all applicable laws, ABC laws, ordinances and stated conditions. In the event of a conflict between the requirements of this permit, Conditional Use Permit, or Alcoholic Beverage Control license, the more stringent regulation shall apply.
- The operator of the approved use shall prevent loitering and loud noises around the project site, and in all parking areas serving the use during and after hours of operation.
- No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
- No alcoholic beverages shall be consumed on the property, or on adjacent properties under control of the licensee with the exception of alcoholic beverages sampled in the designated tasting event area.
- No sales to any person appearing to be or actually being intoxicated shall be allowed.
- All sales of alcohol shall be directly supervised by an authorized employee of the licensee, aged at least 21 years, including inspection of identification to verify age of purchaser, and observation of purchaser to ensure no sales to intoxicated persons.

- No single quantities of beer shall be sold except those that are produced by a craft or microbrewery, in bottles or cans that are at least 16 ounces but not greater than 22 ounces. A craft or microbrewery is a brewery with an annual production of 6 million barrels of beer or less, at least 75 percent of the brewery is owned or controlled by a craft brewer and the brewery is recognized as a craft brewery by the Brewers Association.

- Wine shall not be sold in bottles or containers smaller than 750 ml. Other than dessert wines in 375 ml. Bottles.

The standard conditions for alcohol uses also typically include a requirement that exterior security cameras must be installed and the recordings available for use by the Long Beach Police Department in the event of a criminal investigation.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52.

Section 21.52.210 states that the following conditions shall apply to all alcoholic beverage sales uses requiring a conditional use permit:

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

As stated above, the zoning regulations also require that when a CUP is required for alcohol sales, the applicant must provide the full parking required for the use as though it were new construction. Given the commercial development pattern of the Bixby Knolls neighborhood, it is not possible for the applicant to provide the full parking required for a retail use, which is 4 spaces for every 1,000 square feet of gross floor area. The proposed use would require a total of six (6) standard size parking spaces, based on the tenant space of 1,332 square feet. As the tasting event area will be limited to 150 square feet, it is treated as part of the retail and not calculated separately, this is consistent with how ready-to-eat restaurant uses are treated. The Zoning Code allows for proposed uses with non-conforming parking so long as the proposed use does not require additional parking than the previously licensed use required. Here, the previous use was retail and the new use will be retail. As there will be no increase in the parking requirements, the Site Plan Review Committee has reviewed the proposal and recommends that the Planning Commission waive the parking requirement for this application.

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

Staff consulted with the Long Beach Police Department on this application and they have the following Conditions of Approval related to lighting and other security measures:

- Exterior lighting should clearly illuminate the common areas surrounding the building including but not limited to the entrance and exit doors, as well as the business address. Lighting should be positioned to discourage homeless people from sleeping.
- Street address shall be clearly posted on the street side of the main building and visible from the street.
- Video surveillance system should be installed to assist with monitoring the property on both the interior and exterior. A Digital Video Recorder (DVR) shall be used and capable of exporting images in TIFF, BMP, or JPG format. Recording shall be retained for no less than 30 days.

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;

The subject site has a small parking lot adjacent to the alley. The conditions of approval will require that the operator prevent loitering and other related nuisances in and around the subject property including the parking lot.

D. The use shall not be in a reporting district with more than the recommended maximum concentration of the applicable on or off premises sales use, as recommended by the State of California Alcoholic Beverage Control Board, nor with a high crime rate as reported by the Long Beach Police Department, except (1) locations in the greater downtown area; or (2) stores of more than twenty thousand (20,000) square feet floor area, and also providing fresh fruit, vegetables and meat in addition to canned goods; and

In considering a CUP application for the sale of alcoholic beverages, staff evaluates the number of existing alcohol licenses in the subject Census Tract as well as the total number of reported crimes in the subject Police Reporting District. The census tract has an over-concentration of both off-sale and on-sale alcohol licenses per information received by ABC: three (3) off-sale licenses are allowed in the census tract and five are existing and there are five (5) on-sale licenses allowed with eleven (11) existing. Another on-sale license was

recently approved by the Planning Commission for the Weiland Restaurant located at 4354 Atlantic Avenue that is not reflected in the data from ABC. The project is not located in a high crime area per Long Beach Police Department (LBPD), however, staff consulted the LBPD regarding the request and they expressed no opposition to approval of this application so long as security measures are implemented per their recommendations and the sale of single bottles of beer is limited to "craft" beers as defined in the Conditions of Approval

- E. The use shall not be located within five hundred feet (500') of a public school, or public park, except (1) locations in the greater downtown area; or (2) stores of more than twenty thousand (20,000) square feet floor area, and also providing fresh fruit, vegetables and meat in addition to canned goods.**

The subject site is not located within five hundred feet (500') of a public school or public park.

CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

4242 Atlantic Avenue
Application No. 1402-03

Date: May 1, 2014

1. The use permitted on the subject site, in addition to the other uses permitted in the CNP zoning district, shall be to allow a Type 20 (off-sale beer and wine) and Type 42 (on-sale beer and wine for public premises) alcohol licenses for a retail store described as a small boutique market featuring American-made craft beer, wine, cider, specialty snacks and gift baskets with a 21-and-over tasting event area.
2. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced or time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
3. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgement Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).

Special Conditions:

4. The subject location shall be maintained as a market specializing in the sell of craft beers and wine with a 150-square-foot tasting event area and shall be consistent with the size and square footage of these areas as shown on the floor plans submitted to the Planning Bureau in February 2014. Any change in the operation shall be reviewed by the Director of Development Services to ensure compliance with this approval. Any major modifications, including expansion of the tasting event area, shall be reviewed by the Planning Commission.
5. No single quantities of beer shall be sold except those that are produced by a craft or microbrewery, in bottles or cans that are at least 16 ounces but not greater than 22 ounces. A craft or microbrewery is a brewery with an annual production of 6 million barrels of beer or less, at least 75 percent of the brewery is owned or controlled by a craft brewer and the brewery is recognized as a craft brewery by the Brewers Association.

6. Wine shall not be sold in bottles or containers smaller than 750 ml. other than dessert wines in 375 ml. bottles.
7. The proposed tasting event area shall be reduced; a maximum of 150 square feet is allowed.
8. No one under the age of 21 shall be allowed within the tasting event area.
9. Consumption of alcohol on-site shall only occur within the boundaries of the tasting event area and individual tastings shall be limited to pours of 3 ounces or less.
10. The hours of operation shall be limited to:
 - a. Monday–Thursday: 11:00 AM to 7:00 PM.
 - b. Friday–Saturday: 11:00 AM to 9:00 PM.
 - c. Sunday: 12:00 PM to 5:00 PM.
11. Per the Long Beach Police Department, the following conditions shall be complied with:
 - a. Exterior lighting should clearly illuminate the common areas surrounding the building including but not limited to the entrance and exit doors, as well as the business address. Lighting should be positioned to discourage homeless people from sleeping.
 - b. Street address shall be clearly posted on the street side of the main building and visible from the street.
 - c. Video surveillance system should be installed to assist with monitoring the property on both the interior and exterior. A Digital Video Recorder (DVR) shall be used and capable of exporting images in TIFF, BMP, or JPG format. Recording shall be retained for no less than 30 days.
12. No alcoholic beverages shall be consumed on the property, or on adjacent properties under control of the licensee with the exception of alcoholic beverages poured and consumed as a tasting in the tasting event area.
13. No sales to any person appearing to be or actually being intoxicated shall be allowed.
14. All sales of alcohol shall be directly supervised by an authorized employee of the licensee, aged at least 21 years, including inspection of identification to verify age of purchaser, and observation of purchaser to ensure no sales to intoxicated persons.

15. Installation of any exterior newsstand and vending machines shall be prohibited.
16. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions.
17. Video or coin operated games and the like shall be prohibited on site so as to discourage loitering on the premises.
18. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.
19. The permittee shall maintain full compliance with all applicable laws, ABC laws, ordinances and stated conditions. In the event of a conflict between the requirements of this permit, Conditional Use Permit, or Alcoholic Beverage Control license, the more stringent regulation shall apply.
20. The operator of the approved use shall prevent loitering and loud noises around the project site, and in all parking areas serving the use during and after hours of operation.
21. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.

Standard Conditions:

22. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
23. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
24. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of city officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec.

21.25.412, 21.25.212).

25. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
26. The Director of Development Services is authorized to make minor modifications to the approval design plans or the any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
27. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
28. Any graffiti found on site must be removed within 24 hours of its appearance.
29. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul the approval of the City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.



NOTICE of EXEMPTION from CEQA

DEPARTMENT OF DEVELOPMENT SERVICES | PLANNING BUREAU
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbs.longbeach.gov

TO: [] Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

[] L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 14-010

Project Location/Address: 4242 Atlantic Avenue, Long Beach CA 90807

Project/Activity Description:

Stateside Crafts is a small boutique retail market in existing building currently zoned for retail use.

The market features American made specialty snacks, craft beer, wine, cider and gift baskets.

No consumption on premises except in separate 21-and-over tasting event area.

Public Agency Approving Project: City of Long Beach, Los Angeles County, California

Applicant Name: Stateside Crafts, LLC Attn: Dawn Nadeau, Business Manager

Mailing Address: 420 W 31st Street

Phone Number: 310.864.6681

Applicant Signature:

[Handwritten signature: Dawn Nadeau 2/6/14]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1402-03 Planner's Initials: AZ

Required Permits: CONDITIONAL USE PERMIT

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15301 - Class 1 - Existing Facilities

Statement of support for this finding: Minor alteration/change in operation at an existing commercial retail location.

Contact Person: ANKIE ZETTERQUIST

Contact Phone: 562 570 6553

Signature: [Handwritten signature]

Date: April 15 2014