

December 2, 2021

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach California

RECOMMENDATION:

Accept Categorical Exemption CE21-125 and approve a master Conditional Use Permit CUP21-013 to allow for the sale of beer and wine for on-site and off-site consumption, with up to ten (10) Alcoholic Beverage Control (ABC) Type 41 Licenses, within a multi-tenant commercial kitchen and restaurant located at 456 Elm Avenue in the Downtown Planned Development District (PD-30) (District 1).

APPLICANT: Steve Rawlings, Rawlings Consulting
26023 Jefferson Avenue, Suite D
Murrieta, CA 92562
(Application No. 2107-15)

DISCUSSION

Background

The site is located at 456 Elm Avenue, at the southeast corner of 5th Street and Elm Avenue (Attachment A - Vicinity Map). The property is within the Downtown Planned Development District (PD-30) and has a Downtown (DT) General Plan PlaceType designation. The site is approximately 7,505 square feet in size and is currently developed with a three-story, 24,800-square-foot office building. Surrounding land uses are identified in Table 1 below.

Table 1 – Adjacent Zoning and Land Uses

DIRECTION	ZONING	RIGHT-OF-WAY BOUNDARY	LAND USES
North	PD-30	5 th Street	Residential
South	PD-30	N/A	Church / Parking Lot
East	PD-30	Frontenac Court (Named Alley)	Residential
West	PD-30	Elm Avenue	Residential & Commercial



Figure 1 includes a map of the project site and its surrounding vicinity and images of the site in its current condition.

Figure 1 – Surrounding Map and Images



On March 10, 2021, the Site Plan Review Committee approved a Site Plan Review application for Adaptive Reuse of the building allowing the conversion of the existing 3-story office building into a multi-tenant establishment consisting of nine commercial kitchens, ten preparation kitchens, one demonstration kitchen, an indoor dining area of approximately 621 square feet and an indoor retail area of approximately 1,100 square feet. Since that time, the applicant has proposed to split one of the approved commercial kitchens into two kitchens, for a total of ten kitchens with no new

square footage being added to the existing building (Attachment B – Plans). Given the allocation of commercial and preparation kitchens as the predominant functional use onsite, the facility will function mainly as an establishment offering take-out dining, with limited on-site dining. At the time of preparation of this staff report, construction plans for the conversion have been submitted and approved by the Development Services Department and construction is ongoing.

Project Proposal and Entitlements

The proposed project includes a request for a Master Conditional Use Permit (CUP) to allow up to ten California Department of Alcoholic Beverage Control (ABC) Type 41 Licenses (On-Sale Beer & Wine – Eating Place) for the sale of beer and wine for both on- and off-site consumption with meal sales. The ten individual ABC licenses would correspond to the individual on-site commercial kitchens, allowing each commercial tenant to have a distinct drink menu and pricing, separate from the others.

As described by ABC, a Type 41 License *“authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.”*

Within the City of Long Beach, Type 41 Licenses allowing beer and wine with meal sales (for both on-site and off-site consumption) are typically not subject to CUP approval. They are typically subject to a Conditional Use Permit Exemption (CUPEX) application, which is processed administratively, with limited Conditions of Approval. However, due to the uniqueness of the project site as a multi-tenant commercial kitchen facility mainly offering take-out dining, and the request for up to ten separate ABC Licenses, it has been determined that a master CUP application is appropriate.

Conditional Use Permit Requirements

The Long Beach Municipal Code (LBMC) recognizes that certain types of land use, due to the nature of the use, require individual review. Such review shall determine whether the type of use proposed, or the location of that use, is compatible with surrounding uses, or, can be made compatible with surrounding uses, through the imposition of conditions. Pursuant to Section 21.52.201 (Alcoholic beverage sales uses), CUPs for alcohol sales require compliance with a number of conditions. LBMC Section 21.25.100 allows a waiver of these conditions subject to written findings (Attachment C – CUP Findings). Following are the required conditions:

- Parking shall be provided equivalent to the parking required for new construction regardless of nonconforming rights;
- Night lighting shall be provided, along with other security measures, to the satisfaction of the Chief of Police;
- The operator shall prevent loitering that would be a nuisance to adjacent uses and/or residential neighborhoods;

- The use shall not be in a reporting district that is overconcentrated (except within Downtown) with existing alcohol establishments;
- The use shall not be in a police reporting district with a high crime rate; and,
- The use shall not be located within five hundred feet of a public school or park.

With regard to parking requirements equivalent to new construction, the project site consists of a 24,880-square-foot, three-story building. Based on how parking is calculated in PD-30, the following uses that are proposed for the new multi-tenant commercial kitchen facility are counted:

- Indoor Dining
- Retail
- Test/Showroom
- Dining/Conference Room
- Leasing/Sales Office
- Attendant Desk
- Basement Offices/Meeting Rooms
- Level 2 Work Stations

The parking requirement for the mix of uses equates to 11 spaces. However, given the location of the project site and the nature of the proposed project's underlying business operations, staff believes that the findings necessary to waive this requirement can be made. The project site is located within the Downtown Core of PD-30 approximately 600 feet from a Metro A-Line Station and a bus stop, in a neighborhood where transit and pedestrian activity is common. Also, the site will not operate as a traditional restaurant in which patrons will drive to the location and dine in. The project site will include a 621-square-foot dining area, but it is anticipated that most food items will be ordered on a take-out basis. Patrons and food delivery drivers will be able to utilize seven, 20-minute street parking spaces directly adjacent to the site. Furthermore, traditional restaurant establishments in Downtown with dining areas of 6,000 square feet or less are exempt from parking standards. The total dining and retail areas are only 1,880 square feet in size.

Additional conditions require that a CUP for alcohol serving businesses not be approved in a reporting district with an over concentration of on- or off-sale licenses, as recommended by ABC; nor in a reporting district with a high crime rate as reported by the Long Beach Police Department (LBPD), except locations in the greater downtown area. As the project site is located within the greater downtown area, the project is exempt from this criterion in order to create a vibrant mixed-use area with a range of businesses and entertainment options within this small geographic area of downtown. The LBPD reviewed the project and expressed no objection to the proposed use.

To ensure the project will operate in a manner that is compatible with the surrounding area conditions of approval are recommended (Attachment D - Conditions of Approval). These conditions include noise control, limits on hours of operation, prohibition of loitering or queuing of patrons, security measures (surveillance camera installation and proper lighting), crime prevention signage to be installed where appropriate, and general maintenance and upkeep. One special condition that will be included is the requirement of a single point-of-contact who will be responsible

for managing all ten of the ABC Licenses and who will ensure that all conditions of approval are met on a continual basis.

Other conditions of approval that were previously imposed as a part of the Adaptive Reuse Site Plan Review approval include the prohibition of establishing a full bar and the requirement for off-site improvements as necessary. With the imposition of the proposed conditions, Staff does not anticipate any adverse impacts resulting from CUP approval. Staff recommends that the Planning Commission approve the CUP, subject to conditions of approval.

PUBLIC HEARING NOTICE

A total of 828 public hearing notices were distributed to a radius of 500 feet from the project site on November 15, 2021 in accordance with the requirements of Long Beach Municipal Code (LBMC) Chapter 21.21. At the time of writing this report, no letters in opposition of the project have been received.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, this project is exempt per Section 15301 - Existing Facilities, as the project consists of a request for approval of ten alcohol licenses within an existing three-story building (CE21-125).

Cuentin Jackson
CUENTIN JACKSON
PROJECT PLANNER


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CURRENT PLANNING OFFICER



PATRICIA DIEFENDERFER, AICP
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DEPUTY DIRECTOR OF DEVELOPMENT
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Attachments: Attachment A – Vicinity Map
Attachment B – Plans
Attachment C – CUP Findings
Attachment D – Conditions of Approval