

**CONDITIONAL USE PERMIT  
FINDINGS  
Application No. 2210-23 (CUP22-034)  
5411 East Ocean Blvd  
May 4, 2023**

Pursuant to Section 21.56.206 of the Zoning Ordinance, a Conditional Use 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.

**A. 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 in General Plan Land Use District (LUD) No. 11, Open Space and Park District.<sup>1</sup> While parks and open space uses are the primary land uses permitted in this LUD, commercial and commercial recreation uses are also permitted if intended to preserve natural areas, promote the mental and physical health of the community, and improve the park visitor's overall experience. The proposed project meets the intent of this General Plan LUD as the project would serve visitors of the surrounding park and beach areas.

The project site is in the Park (P) zoning district, which is a district established to set aside and preserve publicly owned natural and open areas for active and passive public use for recreational, cultural and community service activities. Such areas are characterized by landscaped open space, beaches or inland bodies of water.

The project site is situated in the appealable area of the Coastal Zone. The proposed project includes one land use that requires a Conditional Use Permit approval: alcoholic beverage sales at the existing concession stand. The conditionally permitted land use would enhance the coastal recreational opportunities of local residents and beach visitors. The project is consistent with the intent of General Plan LUD No. 11 and the Park zoning district to encourage active and passive public use of the project site and surrounding park and beach areas. Project approval would include conditions of approval to prevent nuisances and minimize potential negative impacts to surrounding areas.

**B. 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**

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<sup>1</sup> The General Plan Land Use Element was updated in 2019 and has not yet been certified as part of the City's Local Coastal Program. Therefore, the 1989 General Plan Land Use Element (1989) designation of Land Use District (LUD) No. 11 remains applicable to the project site.

As conditioned, the sale of alcoholic beverages for on-site consumption at a concession stand is not expected to be detrimental to the surrounding community. Conditions of approval are included to ensure minimization of any negative impacts associated with the operation of the proposed project. All service of alcoholic beverages would be limited to the approved service areas. Conditions include security measures requiring video cameras, alcohol training, measures to identify alcoholic beverage containers, prevent loitering, and to ensure safe operations of the facility.

**C. 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 beverages 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 previous use as to legal nonconforming rights.**

The project site is the Bayshore Beach Concession Stand/Rental/Restroom Building which is located adjacent to the sandy beach area and sports courts near the corner of 54th Place and East Ocean Boulevard within the Park (P) Zoning District. Local vehicular access to the beach parking lot that serves the concession stand is maintained via Ocean Boulevard. The Claremont Beach Parking Lot is located southwest of the project site, across Ocean Boulevard, and also serves as available parking for Bayshore Beach. The beach bicycle and pedestrian path terminates at the intersection of 54th Place and Ocean Boulevard and provides access to on-street bicycle lanes in the vicinity of the project site.

The existing concession stand is an accessory use to the beach and the reservation of parking within the beach parking lot for concession stand patrons is not permitted. The proposed sale of alcoholic beverages within the approved outdoor seating areas would not represent an intensification of use but would add menu items to an existing accessory use.

The existing beach parking lot serves as a first-come-first-served basis and would continue to serve the existing beach primary use and accessory park amenities, which include the concession stand and recreation areas. The existing parking conditions and alternate modes of transportation provide opportunities to access the concession stand and associated dining areas.

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

The existing concession stand maintains onsite security lighting on the building. The project Conditions of Approval include a requirement to provide appropriate security lighting with light and glare shields to avoid light intrusion onto adjacent beach areas and the surrounding areas in accordance with Long Beach Municipal Code and specifies that other security measures may be required to the satisfaction of the Long Beach Police Department. In addition, conditions of approval require exterior video security cameras and adequate video surveillance of the surrounding area to the satisfaction of the Police Department.

**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 conditions of approval require the operator to prevent loitering and other related nuisances.

**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 consideration of a Conditional Use Permit application for the sale of alcoholic beverages, staff evaluates the number of existing alcohol licenses in the subject Census Tract. The subject property is located within Census Tract 5775.04. ABC recommends a maximum of one (1) on-sale alcohol licenses for this census tract based on the current population within the tract. There are currently 2 active alcohol licenses for on-site consumption sales within this Census Tract.

The site is located within Police Reporting District 610 within the East Division. The crime rate for this reporting district is 51. Pursuant to Section 21.15.1338, "high crime" means a crime rate in a crime reporting district that is twenty percent (20%) above the City-wide average for all crimes. The threshold for high crime is 66 for calendar year 2022. Therefore, this area is not considered to be a high crime area. Based on this information, the police department has included conditions of approval related to security

cameras and lighting. With the proposed conditions of approval incorporated, the LBPD does not have opposition to the approval of a Type 41 ABC license.

While the census tract is currently over-concentrated, the granting of the CUP would be consistent with the CUP approved for Alamitos Concession Stand and Junipero Beach Concession Stand Projects in allowing beach patrons to enjoy the public beach amenities without having to depart the beach to travel to commercial districts in order to purchase and consume food and beverages, including beer and wine. Alcoholic beverage sales would generate a small percentage of the overall sales as the primary use is a concession stand. The proposed alcohol license at this location would be limited to beer and wine. The outdoor seating area is subject to fluctuations in weather and seasonal trends, which is unique compared to a typical restaurant use. The closest on-sale license to the project site is located at 5374 East 2nd Street (ROE Seafood), which is approximately 1,500 feet north of the site. There are licenses located along East 2<sup>nd</sup> Street in Belmont Shore, one license at the intersection of Ocean Boulevard and Granada Avenue, and two licenses along the peninsula. Therefore, within the locational context of the site, the type of license, and the distance to other licenses locations, the overconcentration does not represent a condition that would create a nuisance with incorporation of the proposed 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, and also providing fresh fruit, vegetables, and meat in addition to canned goods.**

Although the project site is in a public park, the subject site has been conditioned to ensure that security measures are taken for public health, safety, and welfare. The beaches are regional serving, and the concession stands serve to provide food and beverages, including lower-cost options. The concession stands are located in areas that are relatively remote from commercial districts. The nearest commercial zone to the project site is along East 2<sup>nd</sup> Street, which is at a distance from the concession stand location. The onsite sale of food and beverages at the concession stand, including alcoholic beverages, enables visitors to remain at the beach, rather than departing the coastal beach areas to seek commercial areas for restaurant and retail uses. The alcohol service would be an accessory to the sale of food and non-alcoholic beverages.

**D. 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 project does not include the construction of new building area. The existing concession stand is in conformance with the green building standards applicable to the scope of the 2023 remodel.

## **LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS**

**Application No. 2210-23 (LCDP23-023)  
5411 East Ocean Blvd  
May 4, 2023**

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.

### **A. 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) is generally organized by area. The project site is in Area E (Naples Island and The Peninsula) of the Coastal Zone (Appealable Area). The Local Coastal Program (LCP) identifies the subject site in Area E (Naples Island and The Peninsula). As indicated in the LCP, beach areas along Alamitos Bay and Bay Shore Avenue are popular beach areas. The Bayshore Beach area features existing structures that house the public restroom and concession facilities (subject site) located near 54th Place, and recreational resources for kayak rentals, handball courts, basketball courts, and sailing amenities, including boat storage.

The Area E Policy Plan identifies plan recommends that there be no further visitors serving facilities permitted on the Peninsula except as expressly designated in the LCP and to continue to preserve as much as possible the present utility of the visitors serving and recreational facilities without causing a damaging adverse impact to the present community and the Peninsula's natural resources.

The proposed incorporation of alcoholic beverage service at the existing Bayshore Concession Stand would allow for the continued use of this important visitor-serving resource within Area E. The remodeled building and the requested CUP for on-site alcohol sales, would continue to promote coastal access with a concession stand use for enjoyment by the broader public and local residents, consistent with LCP and Coastal Act goals that encourage visitor-serving uses within the Coastal Zone.

The specific LCP provision of low and moderate-income housing replacement would not apply to this project. No low and moderate-income housing will be removed as a result of the development.

**B. 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 concerns the public's right to use beach and water resources for recreational purposes. The chapter provides the basis for state and local government beach access requirements with a stated objective of prohibiting development projects that hinder public access to the beach and/or water resources.

The proposed project would entail the sale of alcoholic beverages from an existing concession stand. As conditioned under previous approvals, the patio areas are open for public access and no purchase is necessary to sit in the patio areas. Public access signage is required for clear indication of public areas. As such, conditions of approval have been included to ensure any ABC-required enclosures are to be visually open and removable. This would ensure that the provisions of public access, including visual access, to the coast would be maintained with the sale of beer and wine at designated areas. These temporary elements would be removed at the close of business each day.

As conditioned, the public elements of the concession stand would remain public in conformance with previous approvals, which includes Americans with Disabilities Act (ADA) paths of travel.

The project will make no change to existing recreation land uses. Therefore, as conditioned, the project would pose no obstruction to recreational and visitor serving uses in the Coastal Zone.

**C. 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.

**D. 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 the sale of alcoholic beverages for on-site consumption at an existing concession stand. No physical construction would occur as part of the proposed project. As conditioned under previous approvals (App. Nos. 9810-13, 2111-45, 2210-23), all construction will be 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 resources.

**E. FOR AN APPLICATION TO RESTRICT SHORT-TERM RENTALS IN ACCORDANCE WITH THE PROVISIONS AND PROCEDURES OUTLINED IN CHAPTER 5.77 (SHORT-TERM RENTALS) OF THE CERTIFIED LCP, THE PROJECT SHALL CONFORM WITH THE CERTIFIED LOCAL COASTAL PROGRAM, INCLUDING WITH THE PROVISIONS RELATING TO COASTAL ACCESS AND RECREATION. THE REQUIRED FINDINGS MUST INCLUDE A CUMULATIVE IMPACTS ANALYSIS INFORMED, AT LEAST IN PART, BY MONITORING DATA COLLECTED ON APPROVED PROJECTS THAT RESTRICT STRS AND ON STRS THROUGHOUT THE COASTAL ZONE. THE RESPONSIBLE HEARING BODY SHALL ALSO FIND:**

**I.THE PROPOSED RESTRICTION WOULD NOT RESULT IN THE SUBSTANTIAL LOSS OF VISITOR-SERVING ACCOMMODATIONS (I.E., A REDUCTION IN AVAILABLE OVERNIGHT ACCOMMODATION ROOMS, INCLUDING BUT NOT LIMITED TO SHORT-TERM RENTALS, HOTELS, AND/OR MOTELS, WITHIN  $\frac{1}{4}$  MILE OF VISITOR-SERVING RECREATIONAL USES, THE BEACH, BAY, OCEAN, OR TIDELANDS).**

**II.THE PROPOSED RESTRICTION WOULD NOT RESULT IN THE LOSS OF LOWER-COST OVERNIGHT ACCOMMODATIONS. LOWER-COST OVERNIGHT ACCOMMODATIONS SHALL BE DEFINED AS THOSE CHARGING APPROXIMATELY TWENTY FIVE PERCENT (25%) LESS THAN THE STATEWIDE AVERAGE DAILY ROOM RATE OR LESS.**

**III.THE PROPOSED RESTRICTION WOULD NOT RESULT IN THE NET LOSS OF SHORT-TERM RENTALS BELOW FOUR HUNDRED TWENTY-FIVE (425) SHORT-TERM RENTAL UNITS (BOTH HOSTED**



**AND UN-HOSTED AND/OR PRIMARY OR NON-PRIMARY)  
HISTORICALLY OCCURRING IN THE COASTAL ZONE.**

**IV.THE PROPOSED RESTRICTION WOULD BE NECESSARY TO  
PROTECT THE NEIGHBORHOOD STABILITY, HOUSING ACCESS,  
AND WOULD BE CONSISTENT WITH THE NEIGHBORHOOD  
CHARACTER ESTABLISHED IN THE LOCAL COASTAL PROGRAM  
(LCP).**

The project entails the sale of alcoholic beverages for on-site consumption at an existing concession stand. The project has no relation to the prohibition of short-term rentals. This finding does not apply to the project.