

CONDITIONAL USE PERMIT ADMINISTRATIVE USE PERMIT FINDINGS

**2222 E. Anaheim Street
Application No. 1810-13 (CUP18-238)
March 7, 2019**

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 in General Plan Land Use District No.8A (Traditional Retail Strip Commercial) and within the CCP (Community Pedestrian-Oriented Commercial) zone. The Land Use Element designation of LUD No. 8A – Traditional Retail Strip Commercial is established to recognize the continuing need to provide commercial uses along the frontages of certain streets for the service and convenience of persons traveling by car, and needing local services, rather than community/regional needs. The applicant proposes to establish a bar within an existing multi-tenant commercial building along Anaheim Street, a Major Arterial within the city of Long Beach. The existing commercial building includes a beauty salon, computer repair shop, small convenience store, and a restaurant. The proposed sale of beer, wine and distilled spirits for on-site consumption within the existing tenant space would cater to the local population by providing an additional commercial use alongside the other commercial uses within the multi-tenant building.

The CCP zone allows the off-site sale of beer, wine and distilled spirits at a public place 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 Zoning Regulations with respect to overconcentration within the census tract and the crime rate within the Reporting District. Approval of a Conditional Use Permit would invite more diversity of uses along this stretch of Anaheim Street, in which common uses include restaurants, general retail and service-related uses such as dentistry, medicine and appliance repair.

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 restriction on hours of operation (from 2:00 p.m. – 12:00 midnight, Sunday through Thursday and 2:00 p.m. – 2:00 a.m., Friday and Saturday), the provision of security services 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, 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.

Section 21.52.201 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 previous use as to legal nonconforming rights.

The project site consists of a multi-tenant commercial building of 8,500 square-feet and 10 parking spaces. The applicant is proposing to establish a bar consisting of a 206 square-foot service bar area and 126 square-foot accessory dining area. The required parking ratio for the proposed bar is as follows: 20 parking spaces per 1,000 square feet of bar area and 10 parking spaces per 1,000 square feet of dining area, which equates to 6 parking spaces. The applicant has submitted a shared parking affidavit, detailing the uses and hours of operation of all of the other commercial establishments within the multi-tenant building. Long Beach Municipal Code (LBMC) Section 21.41.223 allows the establishment of shared parking arrangements if the applicable uses have only partial overlap in their hours of operation and parking demand. The only other use within the multi-tenant building that has a potentially high parking demand during its peak hours (12:00 noon – 2:00 p.m.) is the Cambodian restaurant, which operates from 7:00 a.m. – 3:00 p.m. A Condition of Approval has been included for the proposed bar, limiting its hours of operation from 2:00 p.m. – 12:00 midnight, Sunday through Thursday and 2:00 p.m. – 2:00 a.m., Friday and Saturday. Therefore, parking is sufficient.

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 is located within Police Reporting District 454, which is considered a high-crime area per LBPd crime reporting standards pursuant to the California Department of Alcoholic Beverage Control Board (ABC). The crime rate is 128, while 115 is the threshold for high crime. Although the project is located within a high-crime Reporting District, staff has worked with the LBPd to draft several Conditions of Approval specific to the proposed bar to closely monitor its operation and ensure that it does not threaten public health, safety or welfare.

The project site is located within Census Tract 5769.01, in which a maximum number of six establishments serving alcohol is recommended. As the census tract currently has three establishments with ABC licenses, it is not overconcentrated.

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 project site is not located within 500 feet of a public school or public park.

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 location of an establishment with on-site alcohol sales as a primary use within an existing commercial tenant space.

