

CONDITIONAL USE PERMIT FINDINGS

**625 E. Artesia Boulevard
Application No. 1907-02 (CUP19-030, CUP19-031)
November 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 project site is located in Land Use District #7 – Mixed Uses Commercial District. LUD #8 is intended to blend compatible land uses with the goal of increasing the efficiency and vitality of an urban site. The proposed sale of alcoholic beverages through a Conditional Use Permit for two restaurant spaces with outdoor dining within a proposed shopping center are consistent with the requirements of this district; therefore the principal use of the site is consistent with the General Plan. The project is consistent with the zoning regulations of the Community Automobile-Oriented (CCA) zoning district, as the on-site sale of alcoholic beverages at restaurants are allowed through the Conditional Use Permit process.

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;

The sale of alcoholic beverages (beer, wine and distilled spirits) for on-site sales in conjunction with restaurants with outdoor dining are 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. Conditions include security measures to prevent nuisances and loitering and to ensure safe operations of the facility. The conditions also allow staff to periodically reinspect the project site and pursue permit revocation, should the permitted use become a nuisance.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USES, AS LISTED IN CHAPTER 21.52; AND

Section 21.52.100 and 201 states that the following conditions shall apply to all alcoholic beverages sales uses requiring a Conditional Use Permit; unless findings of fact are made to support the use, thereby waiving the requirement.

- 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 restaurants are located within a commercial center that is under construction. The uses in the center will consist of retail along with restaurant uses. The site currently has 81 parking spaces available for the center and is in compliance with the required number of parking spaces.

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

The Long Beach Police Department (LBPD) reviewed this application. The LBPD had no objections to the request provided that the project incorporate Conditions of Approval that require security cameras, night lighting, and security measures required by Long Beach Police Department have been incorporated.

- 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.**

Condition of Approval No. 9 will require the operator to prevent loitering along sidewalk area including landscaping areas serving the use during and after hours of operation.

- 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.**

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 (5702.02) in which this Conditional Use Permit for restaurants is located, as well as the total number of reported crimes in the subject Police Reporting District.

Section 21.52.210 of the zoning regulations requires that the use shall not be in a reporting district with an over-concentration of alcohol sales, as recommended by the California Department of Alcoholic Beverage Control (ABC), and that the use shall not be in a reporting district with a high crime rate as reported by the Long Beach Police Department. The restaurants are located in a high crime area per LBPD; however, it is not in an over concentrated district for on-site sales. In the subject census tract (5702.02), six licenses for on-site alcohol sales are allowed and there are three licenses currently not including the two

that are set for hearing on November 7, 2019. Staff consulted with the LBPD on this application and they expressed no opposition provided that the use incorporate security measures such as security cameras, lighting and a security guard to ensure minimization of any negative impacts associated with the operation of the project. Therefore staff is requesting Planning Commission find the high crime permissible in this shopping-center circumstance due to the low concentration of on-site alcohol licenses in census tract (5702.02) and other mitigating factors.

- 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 located within 500 feet of a public school. Jordan High School is located 300 feet to the south of the project site across Artesia Boulevard, a major Avenue. The geographic conditions in conjunction with conditions of approval such as a security guard and limited hours of operation will minimize any negative impacts associated with the operation of the use. The alcohol sales are also proposed as an accessory use to the restaurant. Therefore staff is requesting Planning Commission find the proximity of a school within 500 feet permissible in this shopping-center.

- 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.**

Section 21.45.400 specifies types of projects that require compliance with green building standards; for non-residential projects the threshold is for buildings of 50,000 sq. ft. or more. The propose project is a CUP to allow alcohol sales for on-site consumption which is not one of the types of projects that require compliance with Section 21.45.400, and therefore, this section of the Municipal Code would not be applicable to the proposed use.