

November 5, 2020

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach

California

RECOMMENDATION:

Accept Categorical Exemption CE19-195 and approve Conditional Use Permit CUP19-032 and Local Coastal Development Permit LCDP19-016 to add a new fixed bar to a full-service dinner restaurant with an existing Type 47 alcohol license for on-site sale and consumption of alcoholic beverages (beer, wine and distilled spirits) in an existing commercial building in the Neighborhood Pedestrian (CNP) Zoning District. (District 3)

APPLICANT: Julio Gutierrez
5224 E. 2nd Street
Long Beach, CA 90803
(Application No. 1907-06)

DISCUSSION

The site is located on the south side of 2nd Street between Corona Avenue and Covina Avenue (Exhibit A - Vicinity Map). The site is part of the 2nd Street commercial strip and is adjacent to residential uses to the north and south. The subject site is within the Commercial Neighborhood Pedestrian-Oriented (CNP) Zoning District within the Coastal Zone. The 2019 General Plan Land Use Element PlaceType designation is Neighborhood-Serving Center or Corridor – Low (NSC-L). The California Coastal Commission (CCC) has not yet certified the City's Land Use Element. Therefore, the applicable General Plan Land Use designation of the subject site is LUD No. 8P (Pedestrian-Oriented Retail Strip District).

The following table indicates the adjacent land uses to the subject site.

Table 1: Adjacent Land Uses

Direction	Land use Type
North (across 2 nd Street)	Residential
South (across an alley)	Residential
East	Commercial
West	Commercial



The existing 4,010-square-foot building currently operates as a non-conforming restaurant with an existing Alcoholic Beverage Control (ABC) Type 47 license which includes the sale of beer, wine, and distilled spirits with no Conditional Use Permit (CUP).

The applicant is proposing an interior remodel as part of this application and is subject to a building permit in addition to the entitlements requested (Exhibit B - Plans). The business owner is conducting interior renovations to the restaurant to provide an upscale dining experience; part of the renovations includes the installation of an approximately 260-square-foot fixed bar. The proposed hours of operation would be Sunday to Thursday from 11:00 am to 10:30 pm, and Friday and Saturday from 11:00 am to 11:00 pm.

The installation of a fixed bar in a restaurant with on-site alcohol consumption is subject to a CUP. Subsequently, the CUP entitlement requires a Local Coastal Development Permit (LCDP) because the project is located within the Coastal Zone. The purpose of CUPs is to allow the individual review of certain land uses to ensure they are compatible with surrounding uses, or, through the imposition of conditions, can be made compatible with surrounding uses (Exhibit C - Conditions of Approval). In addition to the required CUP findings, Section 21.52.201 of the Long Beach Municipal Code establishes special conditions that must be met for alcoholic beverage sales. The findings for alcoholic beverage sales include parking, the concentration of alcohol licenses as recommended by Alcoholic Beverage Control (ABC), and that the use not be located within a reporting district with a high crime rate as reported by the Long Beach Police Department (LBPD). However, these special conditions may be waived with findings of fact (LBMC 21.52.100).

The existing site has no on-site parking and is legal non-conforming in nature. The building on the site is built out from property line to property line; preventing the addition of parking on-site. Staff finds that the proposed change in use does not intensify the demand for parking as the amount of area allocated to the bar is an accessory use and the overall seating area is decreasing; the existing seating capacity would be reduced from 137 seats to 117 seats, including 13 fixed seats at the bar area. The fixed bar will allow the restaurant to provide a more upscale dining experience to its customers from the existing fast-food sit-down establishment. Additionally, the applicant has attempted to secure additional parking off-site but has not been able to do so due to only street parking and city-owned public parking being available in the immediate vicinity (Exhibit D - Applicant Letter). While the proposed change would induce a net increase of 5 parking spaces from the existing requirement, staff finds that is offset by the reduction in seating and that there will not be a significant increase in the net parking demand for the establishment.

In considering this CUP application, staff evaluated the number of existing alcohol licenses in the subject census tract (Tract 5773.00). The census tract allows for five alcohol licenses as per ABC and there are 32 existing licenses. The existing census tract includes the Belmont Shore business district and it is not uncommon for a higher number of licenses to be found within such dining and entertainment areas. As the proposed action is requesting only a license type change, there would be no net increase in the total number of alcohol licenses issued within this census tract.

The site is within Police Reporting District (District 571) with a current crime rate of 164, whereas a rate of 108 is considered high-crime. As part of planning staff's review of the application, the

Long Beach Police Department was consulted. With the imposed conditions pertaining to lighting, site design, and security, LBPD is not in opposition to this application. These measures have been incorporated into the conditions of approval. Moreover, the conditions established by the approval of the CUP secures the operational standards may be enforced by the City. As conditioned, staff recommends approval of this application.

Restaurant uses are permitted uses in the CNP zone and consistent with the intended uses in the General Plan (1989) LUD No. 8P. The 1989 General Plan is used due to the Coastal Zone location of this property. The Local Coastal Program (LCP) identifies the subject site, and the shopping strip along 2nd Street as a whole, as a commercial strip serving the adjacent neighborhoods and coastal visitors. As conditioned, the proposed restaurant and bar is consistent with the purpose of the LCP, the General Plan, and the existing zoning (Exhibit E - Findings).

PUBLIC HEARING NOTICE

In accordance with provisions of the Long Beach Municipal Code, 985 public hearing notices were distributed on October 21, 2020. As of the time of writing this report, staff has received no opposition on this project.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, the project is exempt per Section 15301 - Existing Facilities Class 1(a), as the scope of the project is within an existing structure (CE-20-055).

Staff recommends that the Planning Commission accept Categorical Exemption CE19-195 and approve Conditional Use Permit CUP19-032 and Local Coastal Development Permit LCDP19-016, to add a new fixed bar to an existing full-service restaurant, subject to Conditions of Approval.

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Respectfully submitted,

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Attachments: Exhibit A - Vicinity Map
Exhibit B - Plans
Exhibit C - Conditions of Approval
Exhibit D - Applicant Letter
Exhibit E - Findings