

July 15, 2021

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach California

RECOMMENDATION:

Accept Categorical Exemption CE21-073 and approve Administrative Use Permit AUP21-014, and Conditional Use Permit CUP21-003, to establish and operate a retail wine shop with accessory marketplace and wine tasting located at 1147 Loma Avenue in the R-4-R (moderate-density multifamily residential) zoning district.
(District 4)

APPLICANT: Derek Burnham for the 1145 Group, LLC
300 E. 4th Street
Long Beach, CA 90802
(Application No. 2103-25)

DISCUSSION

Background

The project site is located on the west side of Loma Avenue (1147 Loma Avenue) between Anaheim Street and 11th Street (Attachment A - Vicinity Map). It has a current zoning designation of R-4-R (moderate-density multifamily residential) and a General Plan PlaceType designation of Multifamily Residential, Low (MFR-L). The site is approximately 6,350 square-feet in size and is developed with a 3,400-square-foot commercial building. Surrounding land uses are identified in Table 1 below.

Table 1 – Adjacent Zoning and Land Uses

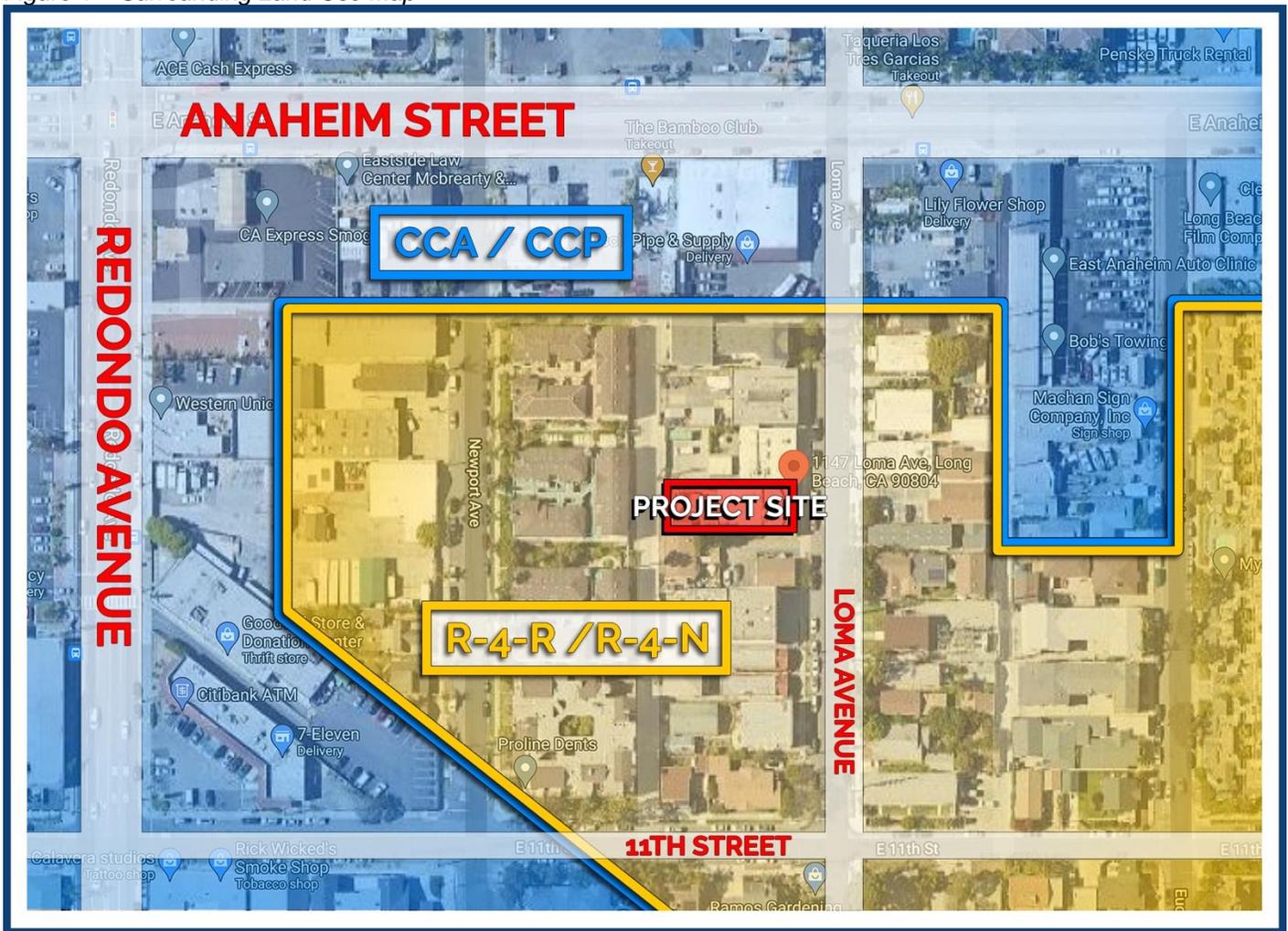
DIRECTION	ZONING	RIGHT-OF-WAY BOUNDARY	LAND USES
North	R-4-R	N/A	Commercial (Salon)
South	R-4-R	N/A	Residential
East	R-4-R	Loma Avenue	Residential



West	R-4-R	Unnamed Alley	Residential
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Figure 1 is a map of the project site and its surrounding zoning designations and streets. Although the site is currently zoned R-4-R, previous uses (dating back to 1990) include retail sales, silk screening, commercial printing and general manufacturing of art decals within the single 3,400-square-foot building originally addressed as 1145 Loma Avenue. The 3,400 square-foot building now consists of two separate tenant spaces as follows: 1145 Loma Avenue – 1219 square-feet; 1147 Loma Avenue – 2181 square-feet (Attachment B – Plans).

Figure 1 – Surrounding Land Use Map



Project Proposal and Entitlements

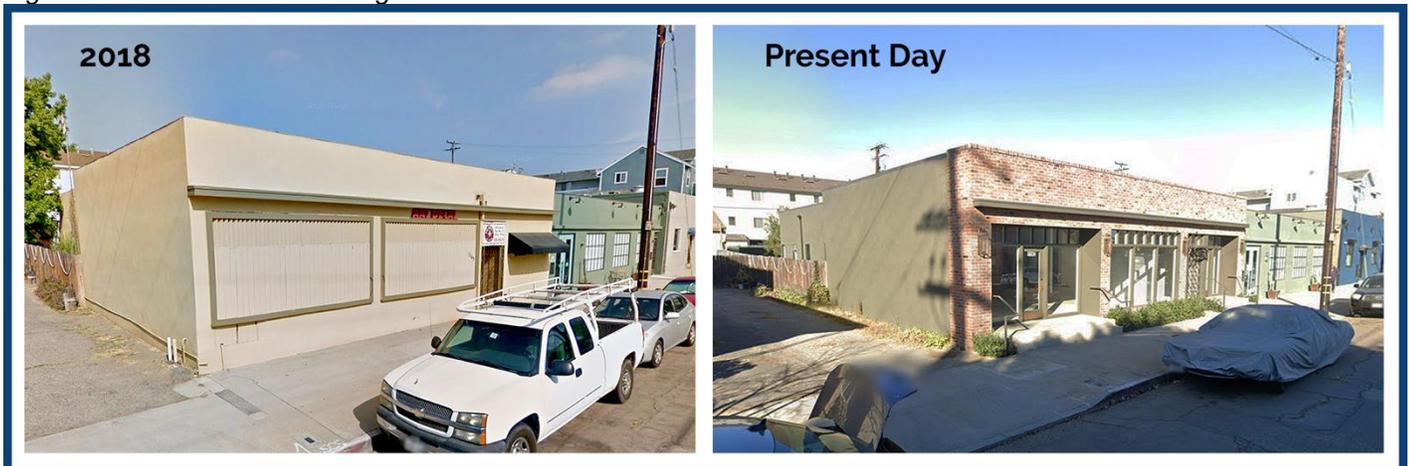
The proposed project includes the establishment of a wine shop with accessory marketplace and wine tasting. The wine shop will also include a 240 SF outdoor seating area . As shown on the floor plan, the area designated for wine tasting will be centrally located among retail shelving near the

rear half of the tenant space. The proposed project requires an Administrative Use Permit (AUP) and a Conditional Use Permit (CUP)

Administrative Use Permit. Pursuant to Section 21.27.050 of the Long Beach Municipal Code (LBMC), a nonconforming nonresidential structure, which has been abandoned for a period greater than twelve months, may apply for an AUP to establish a use permitted in the Neighborhood Pedestrian (CNP) zoning district. The project site is a nonconforming nonresidential structure because it is a commercial building within a residentially zoned property. The proposal to establish a retail use is consistent with the allowable uses within the CNP zoning district. Since the commercial building has been vacant for more than twelve months, the AUP is required. Although AUP applications are subject to the approval of the City's Zoning Administrator, the proposed project combines the AUP and CUP (discussed later) so they can be considered together by the Planning Commission. AUP approval requires positive findings be made (Attachment C - AUP Findings). AUP findings include the requirement that the proposed use is consistent with and carries out the General Plan and will not be detrimental to the surrounding community including public health, safety, and welfare.

The 2019 General Plan's Land Use Element designates the project site as Multifamily Residential, Low (MFR-L) PlaceType, which encourages a wide variety of multifamily housing typologies ranging from two to six stories in height. Compatible public facilities and neighborhood-serving commercial uses are also encouraged. Specifically, neighborhood-serving, low-intensity commercial uses with floor area ratios between 0.25-0.50 are permitted in the MFR-L PlaceType. The Land Use Element also states that within this PlaceType, designs should contribute to walkable streets by incorporating pedestrian-oriented building frontages and balancing building massing with usable on-site open space. The proposed project is consistent with the MFR-L's goal of incorporating small-scale, neighborhood-serving commercial uses within multifamily residential neighborhoods. Recent renovations to the existing building are consistent with the goal of incorporating pedestrian-oriented building frontages. As shown in Figure 2, the exterior renovations made to the project site have created a frontage that is more pedestrian-friendly and contributes to the walkability of Loma Avenue.

Figure 2 – Before and After Images



One of the citywide goals identified in the Land Use Element is to implement sustainable planning and development practices (Goal No. 1 of the Land Use Element). Under this goal, one of the City's pursuits in sustainable planning is to encourage walkable and bicycle-friendly environments, as detailed in Strategy No. 1 of the Land Use Element which is to "support sustainable urban development patterns." In particular, Land Use (LU) Policy 1-1 promotes sustainable development patterns and development intensities that use land efficiently and accommodate and encourage walking. The proposed project offers a retail storefront with additional glazing, within an existing building that was previously used as a manufacturing site with limited interior visibility. While the project only consists of the street activation of a single site, it sets a precedent for the adjacent commercial properties to follow. Additionally, LU Policy 1-7 encourages neighborhood-serving retail, employment and entertainment destinations in new mixed-used projects to create local, walkable daily trip destinations. While the proposed project is not a mixed-use project, it will bring a neighborhood-serving retail store to the nearby residents and provide additional jobs in the area.

The proposed use is not anticipated to be detrimental to the surrounding community. Although residential properties are adjacent to the project site, wine tasting activities are proposed on the interior of the tenant space, which is 1,219 square-feet. 240 square-feet of limited outdoor seating will be provided adjacent to the building. The applicant proposes to buffer the outdoor space with a number of trees and shrubs, to provide proper screening for adjacent residential uses. New parking spaces will be provided to accommodate the additional requirements triggered by the change in use from manufacturing to retail. The conversion of the two tenant spaces (1145 and 1147 Loma Avenue) from manufacturing to retail and restaurant spaces requires the addition of four parking spaces on-site. As shown on the site plan, the project will include four parking spaces configured side-by-side and three additional spaces in a tandem arrangement. The small-scale nature of the proposed retail store is considered a less intense use than the previous manufacturing operations that occupied the commercial building.

Conditional Use Permit. The City 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, through the imposition of development conditions, can be made compatible with surrounding uses. Within the existing commercial building, the applicant proposes to establish a wine shop with accessory wine tasting, with the following California Department of Alcoholic Beverage Control (ABC) license types:

- Type 20 – Off-Sale Beer and Wine (for the sale of wine for off-site consumption)
- Type 42 – On-Sale Beer and Wine – Public Premises (for the consumption of wine on the premises of the project site)

Conditional Use Permits (CUPs) are required for on-site and off-site alcohol sales at a commercial location within 500 feet of residential properties. Pursuant to Section 21.52.201 (Alcoholic beverage sales uses) CUP findings for alcohol sales require compliance with the following standards (Attachment D – CUP Findings):

- 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 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, the project consists of a tenant improvement for a 1,219-square-foot retail space. The parking requirement for the proposed use (equivalent to new construction) is five spaces ($1,219 \text{ s.f.} \times 0.004 = 4.876$). As shown on the site plan, the project will incorporate a total of seven new parking spaces, including four side-by-side and three in a tandem arrangement. The site currently does not have any striped parking spaces. Although the seven new parking spaces will be shared among both businesses at 1145 (2,181 square-feet) and 1147 Loma Avenue, Staff believes that adequate parking is provided for both businesses. The project site is located on a local street and is approximately 340 feet from Anaheim Street, the nearest Major Avenue (per the Mobility Element of the General Plan). It also has a General Plan PlaceType designation of MFR-L which promotes small-scale neighborhood businesses and walkability. Based on the project site's location within a multifamily residential neighborhood, it is anticipated that the many patrons will be able to walk to the site. Therefore, Staff believes that the project adequately satisfies the intent of the requirement to provide parking equivalent to new construction.

Additional findings state that a new CUP for alcohol shall not be approved in a reporting district with an over concentration of on- or off-sale premises, as recommended by ABC; nor in a reporting district with a high crime rate as reported by the Long Beach Police Department (LBPD). As reported by the LBPD, the project site is located with Census Tract 5770, where up to seven establishments may sell alcohol, based on ABC criteria for population which establishes a threshold for overpopulation with a census tract (Attachment E - ABC Statistics). Currently, there are ten ABC licenses within Census Tract 5770, above the threshold. The site is also located within Police Reporting District 546, which is considered a high-crime rate area based on a crime rate of 120. In 2020, the average number of "part 1" crimes (murder, manslaughter, robbery, aggravated assault, burglary, motor vehicle theft, arson, and sex offenses) committed throughout all Police Reporting Districts in the City of Long Beach was 97. The high-crime threshold is determined by taking the average number of crimes per Police Reporting District (97) and multiplying it by a coefficient of 1.2 (or 120%). Therefore, the high-crime threshold for 2020 was 116. By comparison, specifically within Police Reporting District 546, 120 "part 1" crimes were reported, making it a high-crime area.

Although the project site is located within a Census Tract that is considered overconcentrated and within a Police Reporting District with a high-crime rate, Staff does not anticipate any adverse impacts on the community resulting from the proposed wine shop with accessory wine tasting. The type of alcohol establishments that are typically associated with nuisance behavior and adverse activities are liquor stores and some taverns, where loitering, on-site intoxication, trash, and noise can be an issue. While the proposed use includes alcohol sales for on-site and off-site consumption, wine shops and wine tasting establishments are not typically associated with loitering, on-site intoxication, or noise.

Table 2 lists the existing establishments in Census Tract 5770 that have ABC license for on-site or off-site consumption. It includes their address and proximity to the project site. Figure 3 includes a map showing the location of the existing establishments, in relation to the project site. Of the ten existing ABC-licensed establishments (all within one mile of the project site), four have a Type 20 License (Off-Sale Beer and Wine), three have a Type 47 License (On-Sale General – Eating Place), and two have a Type 41 License (On-Sale Beer and Wine – Eating Place). By comparison, the proposed project will have a Type 20 License (On-Sale Beer and Wine) and a Type 42 License (On-Sale Beer and Wine – Public Premises. Within Census Tract 5770, there are no existing establishments that sell only wine and offer a wine tasting component. Therefore, the proposed use will add diversity to the ABC license types within the census tract.

Table 2 – Existing ABC Licenses in Census Tract 5770

	ESTABLISHMENT	ADDRESS	PROXIMITY TO PROJECT SITE
1	The Bamboo Club	3522 E. Anaheim Street	230 Feet (0.04 Miles)
2	7-Eleven	1100 Redondo Avenue	464 Feet (0.09 Miles)
3	Mobil Gas Station	3400 E. Anaheim Street	630 Feet (0.12 Miles)
4	Moo Pa Restaurant	3832 E. Anaheim Street	940 Feet (0.18 Miles)
5	Convenience Market	3808 E. 10 th Street	1,270 Feet (0.24 Miles)
6	Tennessee Jack's	4000 E. Anaheim Street	1,430 Feet (0.27 Miles)
7	Bob's Chevron & Carwash	700 Redondo Avenue	2,190 Feet (0.41 Miles)
8	Iguana Kelley's	4306 E. Anaheim Street	2,410 Feet (0.46 Miles)
9	Forty Niner Shops Inc.	4700 Deukmejian Drive	3,675 Feet (0.70 Miles)
10	Recreation Park Golf Course	5000 E. Anaheim Street	4,530 Feet (0.86 Miles)

Figure 3 – Map of Existing ABC Licenses in Census Tract 5770



Conclusion

The proposed wine shop with accessory wine tasting will be subject to several conditions of approval aimed at protecting public health, safety and welfare (Attachment F - Conditions of Approval). These conditions include noise control, hours of operation, prohibition of loitering or queuing of patrons, and security measures. The incorporation of conditions gives staff the authority to periodically re-inspect the project site and monitor the use. The project site has gone through recent renovations to add to the aesthetic appeal of the building façade. The proposed wine shop with accessory wine tasting and marketplace is anticipated to help activate the portion of Loma Avenue that consists of existing commercial buildings. The MFR-L PlaceType designation supports the establishment of small-scale, neighborhood-serving retail uses with multifamily residential neighborhoods. Staff recommends that the Planning Commission approve the Conditional Use Permit, subject to Conditions of Approval.

PUBLIC HEARING NOTICE

A total of 724 public hearing notices were distributed on June 28, 2021, in accordance with the requirements of 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 the establishment and operation of a retail wine shop with accessory marketplace and wine tasting within an existing commercial building (CE21-073).

Respectfully submitted,



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