

## **CONDITIONAL USE PERMIT FINDINGS**

**4262 Atlantic Avenue  
Application No. 2104-10 (CUP21-005)  
July 15, 2021**

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 the Neighborhood Serving Center or Corridor Low Density (NSC-L) Land Use PlaceType. Said PlaceType is composed of low-rise, low-intensity mixed-use commercial centers and corridors designed to meet consumer's daily needs for goods and services, including but not limited to restaurants, cafes, retail shops, financial institutions, fitness centers and other daily conveniences. The proposed sales of alcoholic beverages at a restaurant are consistent with the requirements of this PlaceType designation; therefore, the principal use of the site is consistent with the General Plan. The project is consistent with the zoning regulations of the Neighborhood Pedestrian - Oriented Commercial (CNP) zoning district, as the on-site sale of alcoholic beverages at a restaurant 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 at an existing restaurant with an existing bar 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. Conditions include security measures to prevent nuisances and loitering and to ensure safe operations of the facility.

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

Section 21.52.210 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 restaurant is located within an existing commercial building and would not require interior tenant improvements. The uses within the commercial building consist of a restaurant with an existing bar and retail boutique store. The existing restaurant has grandfathered parking rights and is proposing to keep its tandem parking at the rear of the property and provide valet service during the restaurant hours of operation. Since the bar and restaurant are existing and no new square-footage is proposed there is no net increase in parking.

- 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 or the hours of operation. Staff has incorporated Conditions of Approval that require security cameras, nighttime lighting, and security measures to ensure safe operation of the facility.

- 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. 22 and 23 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 (5719.00) in which this restaurant 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 restaurant is not located in a high crime area per LBPd but it is located within 100 feet of residential zoning and the area

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is over concentrated for on-site alcohol sales. In the subject Census tract (5719.00), 5 licenses for on-site alcohol sales are allowed; there are 24 licenses currently active. However, the crime rate for the district is considered low and the sale of alcoholic beverages at an existing neighborhood restaurant is not expected to be detrimental to the surrounding community. Staff consulted with the LBPD on this application, and they expressed no opposition given the fact that there can be a basis for protest since there is residential zoning within 100 feet from the project site. However, as conditioned the use would not be a nuisance and security measures such as security cameras and lighting have been incorporated to ensure minimization of any negative impacts associated with the operation of the project. Therefore, staff is requesting Planning Commission find the residential 100-foot distance permissible in this circumstance due to the low-crime rate, 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 not located within 500 feet of a public school, private 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.**

Section 21.45.400 specifies types of projects that require compliance with green building standards. The proposed use is not one of the types of projects that require compliance Section 21.45.400, and therefore, this section of the Municipal Code would not be applicable to the proposed use.