

May 15, 2024

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

**RECOMMENDATION:**

Accept Categorical Exemption CE-23-025 and

Approve a Conditional Use Permit (CUP23-008), and adopt the proposed findings and conditions of approval related thereto, for the expansion of onsite alcohol beverage sales at an existing legal nonconforming bar/tavern with a California Department of Alcoholic Beverage Control (ABC) Type 48 License (On-Sale General – Public Premises) related to an existing 995-square-foot outdoor patio (approved as part of COVID outdoor activity permit program) as part of the bar/tavern located at 136 East Anaheim Street in the Downtown Plan (PD-30) Planned Development District. (District 1)

APPLICANT: Ernesto Cardona  
136 East Anaheim Street  
Long Beach, CA 90813  
(Case No. 2302-14)

**DISCUSSION**

This case involves a request by the operator of an existing bar, currently known as “The Grasshopper”, to formally expand and bring the business into compliance with current zoning regulations through the approval of a Conditional Use Permit (CUP). The request seeks to make permanent the 995-square-foot outdoor patio that has been in operation since 2020 under the City’s temporary COVID outdoor activity permit program. The bar/tavern operates as a legal nonconforming use and has never previously obtained a CUP, as would be required under current PD-30 zoning standards. This CUP allows the City to establish updated, enforceable conditions of approval that will run with the land and ensure responsible long-term operations and improved compatibility with surrounding uses.

The subject site is located at 136 East Anaheim Street, which forms the southwest corner of Locust Avenue and East Anaheim Street within the greater Downtown Plan (PD-30) Planned Development District (Attachment A - Vicinity Map). The site is within the Downtown (DT)



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PlaceType of the Land Use Element (LUE) of the General Plan. While the site is located within the boundaries of the Downtown Plan, it is not located within the PD-30 Height Incentive area nor within the Downtown Dining and Entertainment District (DDED).

Surrounding the site are commercial and industrial uses to the north and east, with a mix of residential and commercial uses to the south and west. The most notable sensitive use is the senior housing community located directly to the west across Locust Avenue, which includes approximately 200 residential units. To the south, there are also single-family and multi-family residential dwellings, along with an institutional use with a surface parking lot and commercial building located further south. The existing land uses and zoning in the site vicinity are described in Table 1, below.

Table 1: Uses Adjacent to the Subject Site

Location	Zoning Designation	Land Uses
North	SP-1-TN	Commercial
South	PD-30	Commercial/ Residential
East	PD-30	Commercial
West	PD-30	Residential

SP-1-TN = Midtown Specific Plan, Transit Node

PD-30 = Downtown Plan Planned Development District

The property is approximately 3,650 square feet in size and currently developed with a 1,392-square-foot commercial building constructed in 1959. There are no building permit records for the site, however there are business license records for an eating place that began operating in 1993 and was converted into a bar in 1999. The site originally included six off-street parking stalls and two curb cuts along Locust Avenue to allow vehicular access to the site. Three parking spaces were removed with the installation of the 995-square-foot outdoor patio area as part of the COVID outdoor activity permit program in 2020. The indoor operation of the establishment contains 18 bar seats, a 25-foot-long bar top, and four large booths accommodating between eight and 14 patrons each (Attachment B – Plans). With the current seating arrangement, the interior allows for a total of 59 patrons, with the maximum occupancy of 75 occupants within the building. The interior also includes liquor storage, back of house area for bar preparation and clean up, and restrooms. There are no kitchen facilities within the establishment.

The 995 square-foot outdoor patio area was permitted in 2020 as a part of the COVID outdoor activity permit program. The outdoor patio area consists of nine high-top tables and a raised deck area with two bench seating areas for a total occupancy of 50 patrons. Rather than demolishing the temporary patio area, the operators have requested to make the patio a permanent area within the licensed premises. These types of conversions from temporary to permanent were contemplated in state law including Section 65907 of the California Government Code – Assembly Bill (AB) 1217 and California Government Code Section 65863.2 - AB2097, and are further supported through the 2024 amendments under the City’s Change of Use Parking Ordinance (Ordinance), which overhauled several sections of the City’s parking requirements in the zoning code to allow for more expansive outdoor uses without

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replacement parking being provided. The 2024 ordinance removed additional parking requirements for the change of use for a building more than ten years old, created a Parking Exempt Area and remove parking minimums for lots or parcels located within or partially within the Parking Exempt Area to comply with AB 2097, created standards for adjustment of parking for all nonresidential uses, including but not limited to outdoor dining expansions established during the COVID-19 pandemic, to comply with AB 1217, other parking regulation revisions related to single family homes and bundled parking, and general parking code clean up. The subject request is made possible by these recent state law changes and the City's updated ordinance.

A bar/tavern use was introduced to the site in 1999 with no record of an approved Conditional Use Permit (CUP) although the operator has consistently held proper business licenses. The current operator took over operations in 2019 and rebranded as "The Grasshopper", an Art Deco inspired bar/tavern (Attachment C – Photos). In the PD-30 District, a CUP is required for on-site alcohol sales within a bar/tavern when located outside the Height Incentive Area. Therefore, the bar/tavern use represents a legal nonconforming use. The existing bar/tavern currently operates Monday through Thursday from 6 p.m. – 2 a.m., Friday through Saturday from 5 p.m. – 2 a.m., and Sunday from 2 p.m. to 2 a.m. The existing patio area currently closes at 10 p.m. daily and the recommended conditions for this CUP would require the continued requirement for the patio to close by 10 p.m. daily in order to comply with the City's Noise Ordinance. The business currently has one security guard on site during all business hours. When a security guard is present, they are positioned at the front entrance of the bar and their role is to perform identification checks of patrons upon entry and keep track of occupancy levels with a door counter. They also make periodic rounds within the bar to ensure there are no issues and that pathways remain clear. The site is also equipped with existing flood lights and lighting sconces on the exterior of the building facing Locust Avenue and East Anaheim Street, which remain on at all times. Security camera systems cover all areas of the bar interior and building exterior. A total of eight security cameras are present and are equipped with recording capabilities that are stored for a total of two years.

The existing bar/tavern operates with a California Department of Alcoholic Beverage Control (ABC) Type 48 License (On-Sale General – Public Premises). This license type is issued to bars, and night clubs and authorizes the sale of beer, wine, and distilled spirits for consumption on the premises where sold. Minors are not allowed to enter and remain, and food service is not required. Due to the actions of the previous license holder, disciplinary measures were imposed on the existing ABC license. These operating restrictions were subsequently transferred to the current business owner and their ABC license. The restrictions included limited operating hours from 6 a.m. to 2 a.m., a prohibition on any form of live entertainment, and other general business conduct requirements. The current applicant has submitted a request to ABC to remove these restrictions. The City is amenable to the removal of ABC restrictions subsequent to approval of a CUP, as the legal nonconforming bar/tavern use would be brought into compliance under a new CUP, and the CUP conditions of approval run with the land for all future operations on the site. The CUP will establish updated conditions of approval addressing hours of operation, noise, loitering, and entertainment, ensuring proper regulations moving forward.

The request to formally add the 995 square-foot outdoor patio (approved as part of COVID outdoor activity permit program) as part of the bar/tavern represents the expansion of a legal nonconforming use and a CUP is required to bring the use in conformance with the PD-30 District.

### PROJECT PROPOSAL

The applicant is seeking the approval of a CUP to allow the expansion of onsite sales of beer, wine, and distilled spirits at an existing legal nonconforming bar/tavern through the addition of an existing 995 square-foot outdoor patio as part of the licensed premises. The bar/tavern would continue to operate with an ABC Type 48 License. As part of the current proposal, no changes are planned to the interior layout or furnishings.

As part of the proposal, the applicant is requesting to provide entertainment at the existing bar/tavern (Attachment D – Operations Narrative). The proposed entertainment includes a disc jockey, who will play prerecorded curated music on Thursday, Friday, and Saturday. The entertainment offering will not include or permit congregated dancing. Pursuant to Section 21.15.1855 of the Zoning Regulations, any establishment that allows congregated dancing is classified as a “Night Club,” which would require a separate CUP pursuant to the PD-30 District.

Based on the Security Narrative provided by the applicant, there will be one security guard on duty at all times. When entertainment is provided, a second security guard will be present to help maintain a safe and orderly environment. In addition to the security guards, the business will contain a total of eight security cameras with recording capabilities covering all areas of the interior and exterior of the bar/tavern (Attachment E – Security Narrative).

### CONDITIONAL USE PERMIT

In accordance with Section 21.25.201 of the Zoning Regulations, the purpose of a CUP is to allow the review of certain uses to ensure that it is compatible with the adjacent uses or can be made compatible with the surrounding uses, with conditions of approval. To grant approval of CUP, there are a number of conditions that must be met for uses proposing alcohol beverage sales. These conditions include requirements that the site provide adequate lighting; the operator prevents loitering; that there not be an overconcentration of alcohol licenses within a Census Tract; the site comply with the required off-street parking (although this factor may be preempted by state law); and the use is not in proximity to schools and parks (Attachment F – Findings). In the greater downtown area, the findings related to overconcentration of alcohol licenses and proximity to schools and parks do not apply.

The use is located along a commercial corridor along East Anaheim Street consisting of a mix of commercial uses such as retail, a brewery, restaurants, and a recreation use. The site was originally developed with six off-street parking spaces, of which three parking spaces were

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removed with the installation of the 995 square-foot outdoor patio area as part of the COVID outdoor activity permit program. The applicant is proposing to make the outdoor patio into a permanent area as part of the licensed premises, which would result in the permanent removal of three off-street parking spaces which functionally have not been available for use for several years since the pandemic. The site is located within the parking exempt area established as part of Section 21.41.175 of the Zoning Regulations and Assembly Bill (AB) 2097 area, which prohibits the requirement of parking minimums on new uses that are close in proximity to high-quality transit. In addition, the existing curb cut along Locust Avenue that formerly accessed off-street parking spaces would be restored to a full height curb and gutter with public sidewalk. Therefore, since no parking is required as part of the Zoning Regulations, the proposed CUP and patio would be in conformance with the finding related to parking requirements.

The interior and exterior of the premises are monitored by existing security cameras and the maintenance of these cameras would be included as a condition of approval. In addition, the applicant proposes a security plan that includes regular security patrols inside and outside the building. The plan also aims to maintain clear pathways both inside and outside the establishment to prevent overcrowding and discourage loitering or other disruptive activities that could extend into the surrounding residential areas. No less than one on-site security guard shall be present at any time during the bar/tavern operations. When entertainment is present, there shall be at minimum two on-site security guards on duty. Security guards shall be State licensed and uniformed during all hours of operation. One armed security guard shall be allowed and present at the main entrance of the establishment. There is an additional requirement that all staff and management have two-way communication systems to reduce any potential escalations or nuisances among patrons. Additionally, the operator shall make an announcement at closing time requesting patrons respect the residents of the adjacent residential neighborhoods by being quiet when leaving.

The subject property is located within Census Tract 5763.01. ABC recommends a maximum of four on-sale alcohol licenses for this census tract based on the current population within the tract. In the subject census tract (Census Tract 5763.01), there are six active licenses for on-site alcohol sales, including the existing license for the existing premises. There would be no change to the existing number of active licenses within the census tract since the site currently operates with a ABC Type 48 License (Attachment G – Alcohol Licenses Map). While the census tract is currently over-concentrated with existing on-sale licenses, the finding of concentration does not apply in the greater downtown area, and again there will be no net increase in ABC licenses within this census tract as a result of the project.

The site is located within Long Beach Police Department (LBPD) Reporting District 174 within the South Division. Pursuant to Section 21.15.1338 of the Zoning Regulations, "high crime" means a crime rate in a crime reporting district that is 20 percent above the City-wide average for all crimes. The high-crime threshold is 66.<sup>1</sup> The crime rate for this reporting district is 101.

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<sup>1</sup> City-wide crime average is 55.04. The high crime threshold is determined to be 120 percent of the city-wide average.

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Therefore, this area is considered to be a high crime area. Between September 23, 2023, and September 23, 2024, there were five calls for service specifically tied to this address. Two of these calls involved battery incidents, which may suggest altercations occurring either inside or directly outside the business, potentially involving patrons. One call was in response to an audible burglar alarm, indicating either an attempted or suspected break-in. Another call was a District Car Check initiated at the request of the business owner, suggesting a proactive measure for additional police presence or a concern about safety. The final call was for a group disturbance, which could indicate loitering, a large or unruly gathering, or potential public nuisance outside the business. While these incidents are notable, it is important to consider them within the context of the broader neighborhood and the nature of the use. Moreover, the high crime designation does not apply to the greater Downtown area. However, conditions of approval are placed on the project to ensure the business is operating in a safe, respectful, and orderly manner.

The subject site is located in the greater downtown area; therefore, the finding related to proximity to public schools and parks does not apply to the proposed project. Nonetheless, the subject site is located approximately 992.23 feet from George Washington Middle School and 444.10 feet away from 14<sup>th</sup> Street Park. The existing use is buffered from this school and park by intervening land uses and the Anaheim Street public right-of-way. Regardless of this project site being exempt from distance requirements in the greater downtown area where there is a denser mix of uses, specific conditions of approval are proposed to be placed on the project to ensure the alcohol sales and consumption are taking place within the boundaries of the bar/tavern areas only, to ensure protection to public health, safety, and welfare in the general neighborhood.

The LBPD was consulted for this application and identified that the project was in a high crime area, over concentrated area, that there are residences within 100 feet, and a park and church within 600 feet. Despite these factors, the proposed use, subject to strict conditions of approval, is not expected to result in nuisance activity or adverse impacts on the surrounding neighborhood. As part of this CUP, the hours of operation would be memorialized for the establishment. Outdoor patio operations would be required to end by 10 p.m. at the latest, while indoor operations would continue to operate until 2 a.m. These conditions would ensure that outdoor operations comply with the Noise Ordinance. In addition, the outdoor patio is specifically conditioned to restrict amplified music, further reducing potential noise and disturbance concerns. The expansion of the bar/tavern to include the 995 square-foot outdoor patio does not raise concern due to the continuous operation since 2020 and the addition of multiple conditions of approval aimed at minimizing potential impacts. These include requirements for landscape buffering inside the perimeter fencing along residential-facing sides, no outside amplified music, and restrictions on live entertainment outdoors. Security personnel, including one licensed and uniformed guard at all times—and a total of two and occasionally a third, if needed, during entertainment hours—will monitor both indoor and outdoor areas, including regular 15-minute patrols of adjacent areas to discourage loitering or nuisance behavior. Lighting, video surveillance, and on-site management presence are also conditioned to ensure safety and accountability.

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All alcohol service is limited strictly within the bar and patio boundaries, with signage and trained staff ensuring compliance. The applicant will be required to obtain an Entertainment Permit from the Department of Financial Management or Occasional Event Permit prior to operations with live entertainment, dancing, disc jockey and no amplified music or stereo systems. At this time, the conditions of approval restrict the ability to include a dance floor area on the premise's indoors or in the outdoor patio area so as to prevent this use from meeting the definition of a "night club" pursuant to Section 21.15.1855 of the Zoning Regulations. The staff recommendation does not object to indoor operation of entertainment without dancing, such as a disc jockey, but due to the site's limited size, queuing area, and proximity to residential uses, staff does not support the intensification of the use to become a nightclub and such a request is not before the Commission at this time.

The continuation of the tavern/bar use and incorporation of conditions of approval would ensure the proposed use aligns with the unique site context and surrounding land uses. While located in an area of high crime and near sensitive uses, the conditions and operational safeguards are designed to minimize impacts and promote compatibility with the surrounding community. City staff therefore support the approval of the CUP, as conditioned, as the project is expected to operate responsibly and contribute positively to the continued revitalization of East Anaheim Street.

The request of the CUP to allow the expansion of onsite sales of beer, wine, and distilled spirits at an existing legal nonconforming bar/tavern at an existing 995 square foot outdoor patio is not anticipated to cause substantial adverse effects on the neighboring land uses with the recommended conditions. Therefore, staff recommend that the Planning Commission approve the CUP, subject to conditions of approval.

### PUBLIC HEARING NOTICE

A total of 137 public hearing notices were distributed on April 29, 2025, in accordance with Chapter 21.21 of the Zoning Regulations. At the time of writing this report, City staff received no comments on this project in response to the required noticing.

### ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the project is exempt per Section 15301 (Existing Facilities), as the project consists of the operation of a bar/tavern and outdoor areas that existed at the time of project application (CE-23-025). The physical construction associated with the project relates to minor modifications to the existing 995 square-foot outdoor patio area to make into a permanent part of the establishment. The service of alcohol would be within the existing onsite premises.

Respectfully submitted,

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Attachments:

- Attachment A – Vicinity Map
- Attachment B – Photographs
- Attachment C – Plans
- Attachment D – Operations Narrative
- Attachment E – Security Narrative
- Attachment F – Findings
- Attachment G – Alcohol Licenses Map
- Attachment H – Conditions of Approval