

April 3, 2025

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

**RECOMMENDATION:**

Accept Categorical Exemption CE-25-020; and,

Approve a Conditional Use Permit (CUP24-009), and adopt the proposed findings and conditions of approval thereto, to allow for the expansion of onsite alcohol beverage sales at an existing restaurant with a California Department of Alcoholic Beverage Control (ABC) Type 47 License (On-Sale General - Eating Place) through the legalization of an outdoor patio bar (38 linear feet) at 310 South Pine Avenue in Subarea 6 of the Downtown Shoreline Planned Development District (PD-6). (District 1)

**APPLICANT:** City of Long Beach  
c/o Tokyo Wako Long Beach, Inc. (Ronnie Lam)  
310 South Pine Avenue  
Long Beach, CA 90802  
(Case No. 2406-12)

**DISCUSSION**

The subject site is the restaurant located at 310 S. Pine Avenue located near the southeast corner of S. Pine Avenue and Shoreline Drive within Subarea 6 of the Downtown Shoreline Planned Development District (PD-6) (Attachment A – Vicinity Map). The 16,155-square-foot site has a 1989 General Plan Land Use Designation of Land Use District (LUD) No. 7 (Mixed Uses).<sup>1</sup> The project is located within the Downtown Shoreline area of the Local Coastal Program which falls under the jurisdiction of the California Coastal Commission (CCC).

This project, as detailed later in the report, is an opportunity to expand the local and tourist serving uses near the downtown waterfront and the convention center. Welcoming restaurants and other hospitality uses are integral to the City of Long Beach's (City) goals for the Downtown Shoreline area and larger tourism and economic development goals.

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<sup>1</sup> The General Plan Land Use Element was updated in 2019 and has not yet been certified as part of the City's Local Coastal Program. Therefore, the 1989 General Plan Land Use Element (1989) designation LUD No. 7 remains applicable to the project site.



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The greater Downtown Shoreline area of Long Beach is located in the State-owned tidelands, which are administered by the City under a Tidelands Trust Agreement (Agreement) with the State. The land subject to the Agreement is comprised of filled areas which lie seaward of the Chapter 138 line, roughly corresponding to the alignment of Seaside Way. Tidelands Trust properties are legally required to serve the general public interest as well as coastal dependent uses in specific, such as marinas and visitor-serving amenities.

The restaurant is on City-owned land under a long-term ground lease with DDR Urban LP. Unlike most properties in the Coastal Zone, properties seaward of the high tide line such as this one obtain local permits from the City but then obtain their Coastal Development Permits directly from the CCC. Therefore, whatever action the Planning Commission may take is subject to modification or adjustment by the CCC.

The project site is located within The Pike, on the same assessor's parcel number (APN: 7278-010-914) as the Shoreline Aquatic Park, Aquarium of the Pacific, Rainbow Harbor Esplanade, and restaurant/retail uses south of Shoreline Drive approved as part of The Pike entitlement approvals. The project site and surrounding areas are located within the PD-6 Planned Development District. Parking in the vicinity of the subject site is on a shared use basis in a surface parking lot with access at the terminus of Pine Avenue at Shoreline Drive. In addition, the Pike and Aquarium parking structures are located within the project vicinity and metered public parking is located along Shoreline Drive. The existing land uses in the vicinity are described in Table 1.

Table 1: Uses Adjacent to the Subject Site

Location	Zoning Designation	Land Uses
North	PD-6	Commercial, Restaurant, Retail (The Pike)
East	PD-6	Restaurant, Retail (Shoreline Village)
South	PD-6	Waterfront
West	PD-6	Restaurant, Retail

The subject site is developed with a single-story 8,455 square feet restaurant space constructed in 2005. The restaurant includes 4,105 square feet of indoor dining space, 17 -linear-feet of indoor bar area, and 1,811 square feet of outdoor dining space (Attachment B - Site Photographs).

The current operator, Tokyo Wako, a Japanese Restaurant, has been in operation since the building's construction in 2005 with no record of an approved Conditional Use Permit (CUP). The existing restaurant offers a variety of Japanese dishes and sushi varieties, as well as alcohol sales (on-premise) consisting of beer, wine and distilled spirits. Therefore, the entitlement request is for the legalization of an outdoor, alcohol serving fixed bar within the existing patio area. In the past, there was a practice of allowing on-site alcohol serving uses in PD-6 by-right in a similar fashion to on-site alcohol serving uses in the Downtown Plan Planned Development District, which area allowed by-right in the height incentive area. However, it has been clarified that pursuant to legal requirements, any on-site alcohol serving uses that propose to expand would require an approved CUP.

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### Project Proposal

The applicant is seeking approval of a CUP to allow for the expansion of onsite alcohol beverage sales at an existing restaurant with a California Department of Alcoholic Beverage Control (ABC) Type 47 License (On-Sale General - Beer, Wine and Distilled Spirits) through the legalization of an outdoor patio bar (38 linear feet) (Attachment C – Plans). The legalized outdoor patio bar expansion occupies 182 square feet of area within an existing outdoor patio and was installed in 2024 without the proper approvals. The restaurant anticipates a staff of 43 employees total, with approximately 10-18 employees per shift. The operating hours will consist of Monday through Sunday 10:00 a.m. - 12:00 a.m. (Attachment D - Operations Plan).

Clear signage will be posted that no alcoholic drinks are to be taken beyond the indoor and outdoor service areas. This signage will be a requirement to reduce the possibility of beverages being removed from the premises and prevent potential nuisance extending into the surrounding neighborhood. Overall restaurant operations will not change from the existing conditions.

### 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 the proposal is compatible with the adjacent uses or can be made compatible with the surrounding uses, with conditions of approval. To grant approval of a CUP, there are a number of conditions that must be met for uses proposing alcohol beverage sales. These conditions include requirements that the site comply with the required off-street parking, the site provides adequate lighting, the operator prevents loitering, that there not be an overconcentration of alcohol licenses within a Census Tract, and that the use is not in proximity to schools and parks.

According to the ABC License Report, the subject property is within Census Tract 5760.01. There are currently 132 existing on-sale licenses within this Census Tract (Attachment E - Map of Existing Alcohol Licenses). The tract envisions six on-site alcohol licenses based on the population density. Therefore, while the census tract is overconcentrated. This is not an uncommon condition in hospitality areas, be they the downtown, shoreline, 2<sup>nd</sup> Street/Belmont Shore, Retro Row or other dining centers around the City.

This license has existed since 2005 and would not represent an additional license to further overconcentration. The intent of the proposed project is to allow for the legalization of an outdoor fixed bar area within the licensed premises. The primary use continues to be a restaurant, and the on-site service of alcohol is ancillary to the primary restaurant use. The use is consistent with the existing restaurant uses and visitor-serving uses in the project vicinity. A Type 47 license allows the sales of beer, wine and distilled spirits in conjunction with bona fide restaurants. ABC requires establishments under this license type to make actual and substantial sales of meals for alcoholic consumption to occur on the premises. Therefore, a restriction is placed on the restaurant to ensure that alcohol sales happen when food is being sold and that it will not operate solely as a bar. Furthermore, the use has existed as a restaurant with on-sale alcohol since 2005 with no

active ABC actions against the business. To ensure the use operates in a manner compatible with the surroundings, City staff have incorporated additional conditions of approval such as Responsible Beverage Service certification for all serving staff (Attachment F – Conditions of Approval).

The Long Beach Police Department (LBPd) has also reviewed the CUP request for this location. The site is located within Police Reporting District 152 within the South Division, which is designated as a high crime area. The high-crime threshold is 66.<sup>2</sup> Reported crimes for the district were 143, which is above the high crime threshold. In the recording period of January 2024-2025, there was one call for service attributed to the business due to an unwelcome guest. These calls were initiated by the operator to ensure safety for customers and the business employees. The LBPd provided conditions that have been incorporated into the project to mitigate potential nuisances to the surrounding community such as lighting, security, and placement of signage. The existing site and building are equipped with a surveillance system to deter criminal activity and promote safety. With additional conditions such as compliance with the ABC requirements for responsible service of alcohol, the proposed CUP for the legalization of an outdoor fixed bar patio with on-site sale of beer, wine, and distilled spirits at an existing restaurant at this location will not cause substantial adverse effects on the neighboring land uses or the community at large.

The existing use in the tenant space is a restaurant with on-site alcohol sales. The Zoning Regulations determine that the parking requirement for the proposed use is 50 spaces. The conversion of a portion of the outdoor dining area into an outdoor fixed bar would require a net increase of four spaces for an overall requirement of 54 parking spaces. The site shares off-street parking with the other uses at The Pike Outlets development at the adjacent surface parking lot and multi-level parking structures (within PD-6, Subareas 5 and 6) to the west of the site. The parking structure provides a pool of 2,211 spaces. As described in the PD-6 ordinance, "All parking shall be on shared or joint use basis; it shall be available to the public on a first-come, first-served basis without reservation for the exclusive use of any one tenant or development".

The project site is located within approximately a half mile or less from the nearest Metro A-Line Station and bus stop, in a neighborhood where transit and pedestrian activity is very common. In addition, it should be noted that the property is located within the Parking Exempt Area established by the Change of Use Parking Ordinance (Ordinance), which was approved by Planning Commission on October 3, 2024, and City Council on December 10, 2024 (Attachment G – Parking Exempt Area Map). While the Ordinance and Parking Exempt Area map is not in effect in the Coastal Zone until CCC Certification, it is notable that the site is in proximity to transit pursuant to Section 21.41.175 of the Zoning Regulations and Cal. Gov't Code §65863.2 (Assembly Bill 2097). The State law exemption from parking requirements exists regardless of CCC certification and the area serves tourist, many of whom may not have a car during their visit or who do have a car may keep it at their hotel and walk over to the restaurants and attractions on the waterfront.

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<sup>2</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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Conditions of approval have been included to help address any potential nuisance issues such as mandatory staff training to discourage over-serving of alcohol to patrons, and denial of serving customers who appear to be intoxicated. City staff believe that the approval of this CUP with the recommended conditions of approval would have a minimal impact on the surrounding land use by adding a small, patio bar area for food and alcohol consumption within the footprint of this existing operation.

Chapter 21.52 of the Zoning Regulations requires the site not to be located within 500 feet of a public school or park. The existing restaurant is located over 3,560 feet from the nearest school, Cesar Chavez Elementary School. The site abuts the Rainbow Harbor Esplanade and is also within 360 feet of Rainbow Lagoon. While Rainbow Harbor Esplanade and Rainbow Lagoon are public parks, the restaurant uses were developed alongside the parks as part of the downtown shoreline area to serve as a destination for tourists and further the goals of the tidelands area. Historically, the use has existed as a restaurant with the accessory sale alcohol for on-site consumption since 2005. Overall, the continuation of an alcohol license will complement the area as it is a visitor, tourist, and entertainment destination with other on-site alcohol uses in closer proximity to the park.

The request to allow the CUP for on-site sale of alcohol at a restaurant and legalization of an outdoor alcohol serving fixed bar patio is not anticipated to cause substantial adverse effects on the neighboring land uses with the recommended conditions and meets the findings (Attachment H – Findings). Therefore, City staff recommends that the Planning Commission approve the CUP, subject to conditions of approval.

### PUBLIC HEARING NOTICE

A total of 1,061 Public Hearing notices were distributed on March 20, 2025, in accordance with the requirements of 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

Pursuant to the California Environmental Quality Act this project is eligible for a categorical exemption per Sections 15301 (Existing Facilities) and 15303 (New Construction) as the project consists of the legalization of an outdoor alcohol serving fixed bar patio at an existing restaurant with on-site alcohol sales (CE-25-020). The physical construction associated with the project relates to the minor expansion of an existing accessory structure and the service of alcohol would be within the existing onsite lease area.

Respectfully submitted,



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PROJECT PLANNER



MARYANNE CRONIN  
ZONING ADMINISTRATION OFFICER

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ALISON SPINDLER-RUIZ, AICP  
PLANNING BUREAU MANAGER



CHRISTOPHER KOONTZ, AICP  
DIRECTOR OF COMMUNITY DEVELOPMENT

CK:ASR:MC:ms

Attachments:

- Attachment A – Vicinity Map
- Attachment B – Site Photographs
- Attachment C – Plans
- Attachment D – Operations Plan
- Attachment E – Map of Existing Alcohol Licenses
- Attachment F – Conditions of Approval
- Attachment G – Parking Exempt Area Map
- Attachment H – Findings