

October 6, 2022

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach California

RECOMMENDATION:

Accept Categorical Exemption CE22-145 and approve Conditional Use Permit CUP22-030 to allow the off-site sale of beer, wine, and distilled spirits (Type 21 license) at a new convenience market of approximately 3,321 square feet within a portion of an existing freestanding building located at 4680 E. Los Coyotes Diagonal in the Community Commercial Automobile-Oriented (CCA) Zoning District. (District 4)

APPLICANT: Stephen Jamieson for Equity One LLC
426 Culver Boulevard
Playa Del Rey, CA 90293
(Application No. 2208-26)

DISCUSSION

Background

The site is located on the south side of Los Coyotes Diagonal (4680 E. Los Coyotes Diagonal) between Ximeno Avenue, Atherton Street, and Outer Traffic Circle (Attachment A - Vicinity Map). It has a current zoning designation of Community Auto-Oriented Commercial (CCA) and a General Plan PlaceType designation of Neighborhood-Serving Centers and Corridors – Low (NSC-L). The site is approximately 5.46 acres (238,125 square feet) in size and is developed with a commercial shopping center consisting of approximately 64,400 square feet of building area and 352 parking spaces. Existing tenants include Marshalls, In-N-Out, Flame Broiler, Pizza Hut, Jersey Mike's and West Coast Dental of Long Beach. Surrounding land uses are identified in Table 1.

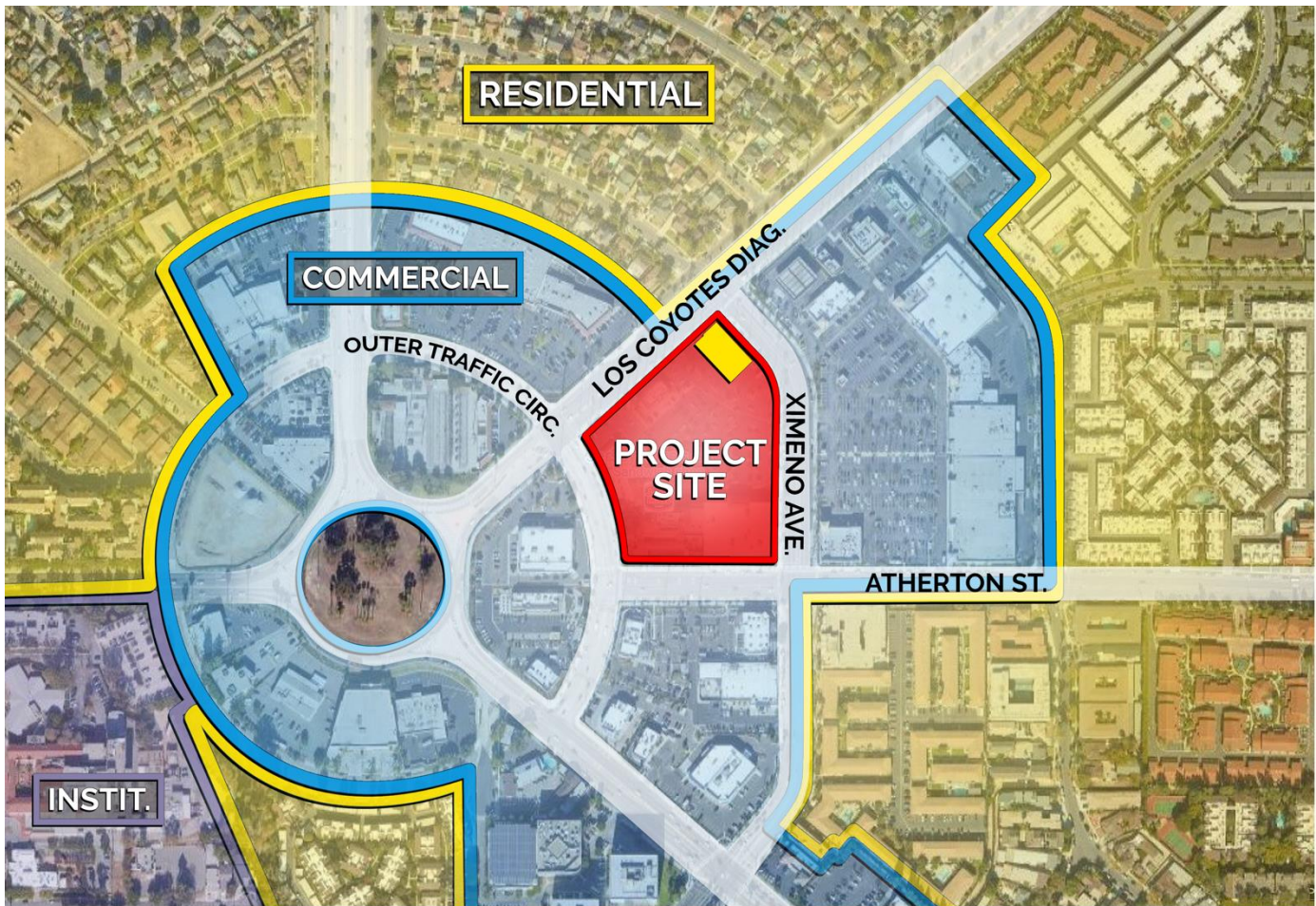
While the project site is immediately surrounded by a majority of commercial uses, properties in the broader vicinity also have a variety of residential, institutional and other commercial zoning designations. Figure 1 is a map of the project site and its surrounding zoning designations and streets.



Table 1 – Adjacent Zoning and Land Uses

| DIRECTION | ZONING | RIGHT-OF-WAY BOUNDARY | LAND USES |
|-----------|-------------|-----------------------|--------------------------|
| North | CHW / R-1-N | Los Coyotes Diagonal | Commercial / Residential |
| South | CHW | Atherton Street | Commercial Center |
| East | CCA | Ximeno Avenue | Commercial Center |
| West | CHW | Outer Traffic Circle | Commercial Center |

Figure 1 – Surrounding Land Use Map



Project Proposal and Entitlements

The proposed project includes the request for a Type 21 (Off-Sale General) California Department of Alcoholic Beverage Control (ABC) license to allow the sale of beer, wine and distilled spirits at a new convenience market. The new convenience market will be located within a predominantly

vacant commercial building (previously a restaurant within the existing commercial shopping center) of approximately 7,950 square feet. The convenience market will encompass approximately 3,321 square feet of the predominantly vacant building (Attachment B – Plans and Photos). As shown on plans, the new convenience market will include a general stocking area (labeled “Ambient”) that will include a variety of household goods and personal care items, a designated area for preparation of hot and cold foods (deli and dairy), and a designated area exclusive to alcohol for sale. Hours of operation for the convenience market will be from 6:00 a.m. to 12:00 a.m., daily.

Conditional Use Permit (CUP) Requirements

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, can be made compatible with surrounding uses, through the imposition of development conditions. CUPs are required for 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 C – 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 convenience market will be approximately 3,321 square-feet. The parking requirement for the proposed use (equivalent to new construction) is 14 spaces ($3,321 \text{ s.f.} \times 0.004 = 13.28$). The parking requirement for the entire center is 322 spaces. As shown on the site plan, the entire commercial center includes 352 parking spaces accessible to the convenience market and shared amongst the other tenants within the center. Although parking is shared among several tenants, parking is provided for the expanded grocery store, 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 5749.02, where up to three establishments are recommended for off-site alcohol sales, based on ABC criteria for population which establishes a threshold for overconcentration with a census tract (Attachment D - ABC Statistics). Currently, there are five ABC licenses for off-site alcohol sales within Census Tract 5749.02 which is above the threshold.

Although the project site is located within a Census Tract that is considered overconcentrated for off-site alcohol sales, staff does not anticipate any adverse impacts on the community resulting from the requested ABC license. The proposed convenience market is a deviation from the typical liquor store, gas station or convenience store seen within a given neighborhood. The commercial center is well maintained and has high visibility along an auto-oriented hub that features several other commercial centers, some of which have existing ABC licenses. Furthermore, the applicant is proposing to establish a business that will offer fresh food and other household essentials, which mimics the functionality of a neighborhood grocery store. Concerns associated with overconcentration of off-site establishments usually relate to the dense placement of liquor stores within small pedestrian-oriented neighborhoods. The CUP would allow the operator to maintain a competitive market among several other larger retailers in the immediate area, within Census Tract 5749.02.

Table 2 lists the existing establishments in Census Tract 5749.02 that have ABC licenses for off-site consumption. It includes their address and proximity to the project site. Figure 2 includes a map showing the location of the existing establishments, in relation to the project site. All of the other establishments have a Type 21 License (Off-Sale General).

Table 2 – Existing ABC Licenses in Census Tract 5749.02

| | ESTABLISHMENT | ADDRESS | PROXIMITY TO PROJECT SITE |
|---|----------------|----------------------------|---------------------------|
| 1 | Ralph's | 1930 N. Lakewood Blvd. | 500 Feet (0.09 Miles) |
| 2 | CVS | 4400 E. Los Coyotes Diag. | 612 Feet (0.12 Miles) |
| 3 | Von's | 1820 Ximeno Ave. | 650 Feet (0.12 Miles) |
| 4 | Rite Aid | 4525 E. Pacific Coast Hwy. | 1025 Feet (0.19 Miles) |
| 5 | Stearns Liquor | 4360 E. Stearns St. | 1695 Feet (0.32 Miles) |

Figure 2 – Map of Existing ABC Licenses in Census Tract 5749.02



The project site is also located within Police Reporting District 562, which is considered a high-crime rate area. In 2021, 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 percent). Therefore, the high-crime threshold for 2021 was 116. By comparison, Police Reporting District 361 had 151 crimes reported.

Within a Police Reporting District that has a high-crime rate, the type of alcohol establishments that generate the most concerns (calls for service to the LBPD) are liquor stores and taverns. Liquor stores, gas stations, and taverns are more often associated with nuisance behavior and adverse activities such as loitering, public intoxication, trash, and noise. Since the proposed establishment is expected to function as a higher-end convenience store within a well-maintained commercial center, staff does not anticipate the adverse impacts that create concerns within high-crime areas. The project site will be subject to several conditions of approval, all aimed at protecting public health, safety and welfare (Attachment E - Conditions of Approval). These conditions include noise control, hours of operation, prohibition of loitering or queuing of patrons, security measures, proper lighting, daily clean-up and site maintenance, limits on beverage container sizes and package quantities, and the continued offering of food products prepared on-site.

The incorporation of conditions gives staff the authority to periodically re-inspect the project site and monitor the use. As a part of the tenant improvement for the new convenience the applicant will be required to renovate any exterior dilapidation of the façade, as necessary. The proposed license is a common accessory use to grocery stores and convenience markets that supports general plan policies of having neighborhoods that contain a variety of functional attributes that contribute to resident’s day-to-day living (General Plan LU Policy 10-1). Staff recommends that the Planning Commission approve the Conditional Use Permit, subject to Conditions of Approval.

PUBLIC HEARING NOTICE

A total of 421 public hearing notices were distributed to a radius of 500 feet from the project site on September 22, 2022, 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 of an ABC license within an existing commercial tenant space (CE22-145).

Respectfully submitted,



CUENTIN JACKSON
PROJECT PLANNER



ALEXIS OROPEZA
CURRENT PLANNING OFFICER

