

CONDITIONAL USE PERMIT FINDINGS

6370 E. Stearns Street
Application No. 1712-03 (CUP17-021)
July 19, 2018

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 subject site is located in General Plan Land Use District No.1 (Single-Family Residential) and within the CCA (Community Auto-Oriented Commercial) Zone. The Land Use Element designation of LUD No. 1 is a policy response to the majority public preference for single-family neighborhoods. Small, neighborhood-serving retail clusters may occur in LUD No. 1, providing they conform to the specifications detailed in the applicable commercial districts. The current use on the subject property is a gas station and convenience store, which is a small, neighborhood-serving commercial use within the CCA Zone. The proposed sale of beer and wine for off-site consumption would be accessory to the retail sales within the established retail use.

The CCA Zone allows the off-site sale of beer and wine subject to the approval of a Conditional Use Permit. A Conditional Use Permit is consistent when it carries out the intent of the land use district in which it is located, and otherwise complies with the Zoning Regulations with respect to overconcentration within the census tract and the crime rate within the Reporting District. While the intent of Land Use District No. 1 is not inconsistent with accessory off-site beer and wine sales at the existing convenience store, the required findings with respect to overconcentration and crime rate cannot be made. Since the site is located in a census tract that is overconcentrated and within a high-crime rate reporting district, the Conditional Use Permit application is not consistent with the standards of the CCA zoning district.

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; AND

The proposed sale of beer and wine for off-site consumption has the potential to adversely impact the general welfare and quality of life within the surrounding community. The census tract in which the subject site is located is deemed overconcentrated with respect to the existing number of establishments selling alcohol. Approval of the request would exacerbate the current overconcentrated condition of the census tract. Further, the subject site is adjacent to single-family residential neighborhoods that have five current on- and off-sale, ABC-licensed

premises. The addition of another premises for off-site consumption has the potential to contribute adverse effects to the surrounding community such as drinking and driving, loitering, and noise. The subject property and vicinity is already sufficiently served by alcohol sales, including one establishment (EJN Market) only 350 feet away.

The overconcentration of ABC licenses in a given area encourages undesirable practices such as the discounting of alcohol and questionable sales. Practices such as the lowering of prices and offering single cans/bottles for sale can increase the likelihood for civil disorder. The sale of single containers of alcohol have been linked to the likelihood of increased violent crimes and activity, thereby jeopardizing public health, safety and welfare. Therefore, the overconcentration of ABC licenses within a given area should be avoided.

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

Section 21.52.201 states that the following conditions shall apply to all alcoholic beverage 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 project site has recently gone through the construction of a new convenience store requiring Site Plan Review approval. The required parking ratio for the convenience store is four spaces per 1,000 square feet of gross floor area. The subject site consists of a 2,407-square-foot convenience store (1,111 square feet of storage not included) and 10 on-site spaces, which meets the required parking standard.

B. The operator of the use shall provide night lighting and other security measures to the satisfaction of the Chief of Police.

As conditioned by the recent Site Plan Review entitlement, the project site provides adequate security lighting.

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.

The requirement for night lighting and security measures is a standard condition of approval for off-site alcohol sales, when approval is recommended.

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.

The project is located within Police Reporting District 634, which is in a high-crime area per Long Beach Police Department crime reporting standards pursuant to the California Department of Alcoholic Beverage Control Board (ABC). The crime rate is 151, where 124 is the threshold for high crime.

The project site is located within census tract 5743.00, in which a maximum number of three establishments serving alcohol are permitted. As the census tract currently has five establishments with off-sale ABC licenses, approval of an additional license would further increase the level of overconcentration. Since there are several other off-sale locations within the census tract with a one-mile radius, public convenience or necessity is not served with the approval of an additional off-sale alcohol premise. A positive finding cannot be made as the project site is within a high-crime reporting district and within a census tract that already has an overconcentration of off-sale ABC establishments.

- 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 gas station and convenience store are not located within 500 feet of a public school or public park.