



CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-6101 • FAX (562) 570-6789

July 30, 2012

Mr. Vincent Cravens
District Administrator
Department of Alcoholic Beverage Control
3950 Paramount Boulevard, Suite No. 250
Lakewood, California 90712

Re: Application of Quen Ma, dba World Market, for a premise-to-premise transfer of an Alcoholic Beverage Control License at 1030 East Pacific Coast Highway

Dear Mr. Cravens:

Please be advised that the Long Beach City Council, at its meeting held July 24, 2012 approved the request of Councilman Dee Andrews, Sixth District, to approve the appeal of the applicant for a Conditional Use Permit (CUP), with Conditions and Findings, regarding the subject application. With the City Council action to approve the CUP, the protest that was filed with ABC back on March 21, 2012, is no longer in force and hereby being withdrawn.

Enclosed is a copy of the City Council documentation and a certified excerpt of the minutes for your file. The City of Long Beach thanks you for your assistance in this matter.

Respectfully submitted,

LARRY G. HERRERA
CITY CLERK

Prepared by:
Nancy Muth

Attachments

Cc: Councilman, Dee Andrews, Sixth District
City Prosecutor
Police Department (2) Chief & Vice
Referral File
FAX forwarded to ABC, (562) 982-1396

CONDITIONAL USE PERMIT FINDINGS

1030 E. Pacific Coast Highway
Application No. 1202-18
May 17, 2012

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 Land Use District #8N – Shopping Nodes Strip. LUD #8N is intended to accommodate retail and service uses exclusively, primarily in small clusters with vital activity centers. The existing convenience store is identified as consistent with the requirements of this district, therefore the principal use of the site is consistent with the General Plan. No specific plan applies to the subject site. The request is to allow the sale of beer and wine for off-site consumption at an existing convenience store which is consistent with requirements of the plan. The project is consistent with the zoning regulations of the CHW zoning district, as the off-site sale of alcoholic beverages at an existing convenience store is allowed through the Conditional Use Permit process in this 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**

In accordance with the California Environment Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE 12-010) was prepared for this project and is attached for your review.

The proposed sale of off-site beer and wine at an existing convenience store is not expected to be detrimental to the surrounding community. No physical expansion to the building is proposed and conditions of approval are included to ensure the mitigation of any negative impacts. Conditions include prevention of nuisances and loitering.

- 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 existing building is approximately 3,500 square feet in size. Per zoning code section 21.41.216, parking for a retail store is at (4) spaces per 1,000 square feet of floor area. The current establishment has (14) parking spaces and conforms to current code.

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

Staff consulted with the Long Beach Police Department on this application. The LBPD did not have any objections to the request and felt the security measures and lighting in place on the site were sufficient and they did not request any specific upgrades to the site as a condition of approval.

- 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 #10 will require the operator to prevent loitering and other related nuisances.

- 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 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 project is not located in a high crime area per LBPD; nor is it in an over-concentrated district for off-site alcohol sales. In the subject census tract (5752.01), four licenses for off-site alcohol sales are allowed and there are two existing. Staff consulted

with LBPD for this application and they expressed no opposition to approval of this permit.

- 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 located within 500 feet of Poly High school property boundaries. However, the school offices and classrooms are approximately 2,000 feet away from the entrance of the store southerly corner of the school, away from the entrance of the school. Thus, staff is recommending that the Planning Commission waive this finding. Staff consulted with LBUSD for this application and they expressed no opposition to approval of this permit.

**AN EXCERPT FROM THE MINUTES OF
THE LONG BEACH CITY COUNCIL MEETING
HELD TUESDAY, JULY 24, 2012**

HEARINGS: (5:00 PM)

1. 1. (12-0230) Recommendation to receive the supporting documentation into the record, conclude the hearing, consider the appeal by applicant, Joyce Frazier, and either:

(1) Uphold the decision of the Planning Commission to deny a Conditional Use Permit request for the sale of beer and wine for off-site consumption (Type 20 license) at an existing convenience store located at 1030 East Pacific Coast Highway within the Commercial Highway zone; or

(2) Approve the Conditional Use Permit request for the sale of beer and wine for off-site consumption (Type 20 license) at an existing convenience store located at 1030 East Pacific Coast Highway within the Commercial Highway zone. (District 6) (5:00 PM)

Suggested Action: Approve recommendation.

Amy Bodek, Director of Development Services, spoke; and submitted Conditions of Approval.

Joyce Frazier spoke.

Lydia Hollie spoke; and submitted a packet of correspondence.

Robin Sword spoke.

Leon Hollie spoke.

Walter Danahue spoke.

Frank Flores spoke.

Sarah Watkins spoke.

Michael Baker spoke.

Che Parker spoke.

Shirley Broussard spoke.

Councilman Andrews spoke.

John Edmonds provided a PowerPoint presentation.

Motion: Approve recommendation to grant the appeal and approve the Conditional Use Permit, together with Conditions and Findings, for the sale of beer and wine for off-site consumption (Type 20 license) at an existing convenience store located at 1030 East Pacific Coast Highway within the Commercial Highway zone.

Moved by Andrews, seconded by Johnson.

Councilmember Neal spoke.

Councilmember Johnson spoke.


Vote: Approve recommendation to grant the appeal and approve the Conditional Use Permit, together with Conditions and Findings, for the sale of beer and wine for off-site consumption (Type 20 license) at an existing convenience store located at 1030 East Pacific Coast Highway within the Commercial Highway zone.

(Carried 8-0)

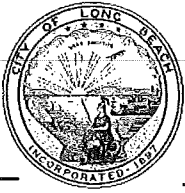
Yes: DeLong, Schipske, Andrews, Johnson, Austin, Neal, Lowenthal, and Garcia.

Absent: O'Donnell.

CERTIFIED AS A TRUE AND CORRECT COPY


CITY CLERK OF THE CITY OF LONG BEACH *M. Smith*

DATE: July 30, 2012



CITY OF LONG BEACH

H-1

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 4th Floor Long Beach, CA 90802 (562) 570-5237 Fax: (562) 570-6205

July 24, 2012

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to receive the supporting documentation into the record, conclude the public hearing, consider the applicant's appeal, and either:

- (1) uphold the decision of the Planning Commission to deny a Conditional Use Permit request for the sale of beer and wine for off-site consumption (Type 20 license) at an existing convenience store located at 1030 East Pacific Coast Highway within the Commercial Highway zone; or
- (2) approve the Conditional Use Permit request for the sale of beer and wine for off-site consumption (Type 20 license) at an existing convenience store located at 1030 East Pacific Coast Highway within the Commercial Highway zone. (District 6)

DISCUSSION

An application for a Conditional Use Permit (CUP) was received on February 22, 2012 for the sale of beer and wine for off-site consumption (Type 20 license) at an existing convenience store located at 1030 East Pacific Coast Highway. The subject site is located within the Commercial Highway (CHW) zone and is developed with a total building area of 3,500 square feet, along with 14 parking spaces (Exhibit A – Plans & Photographs).

On May 17, 2012, planning staff recommended approval of the CUP application to the Planning Commission. After taking public testimony and discussing the proposed application in detail, the Planning Commission voted unanimously to overturn staff's recommendation, directed staff to prepare findings for denial of the CUP, and continued the request to the June 7, 2012 Planning Commission hearing. At the June 7, 2012 Planning Commission hearing, after additional public testimony and discussion, the Planning Commission voted unanimously to deny the CUP request, in part because the proposed use was within 500 feet of the Long Beach Polytechnic High School administrative building. The Planning Commission decision was appealed on June 12, 2012 (Exhibit B – Appeal). The Appellant contends that the use would be appropriate for the area.

Any time a decision of the Planning Commission is appealed to the City Council, staff is required to provide the City Council with the Planning Commission's decision on the matter. The Planning Commission's decision to deny the CUP and the findings supporting that decision are attached provided herein (Exhibit C – Denial Findings). Conversely, should

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the City Council wish to overturn the decision of the Planning Commission and sustain the appeal, staff has prepared the appropriate findings for such a decision based on staff's original recommendation (Exhibit D). This will provide the City Council flexibility to either uphold the Planning Commission's decision to deny the request, or overturn the decision and uphold planning staff's recommendation for approval.

This matter was reviewed by Assistant City Attorney Michael Mais on June 29, 2012 and by Budget Management Officer Victoria Bell on July 3, 2012.

TIMING CONSIDERATIONS

The Municipal Code requires City Council action within 60 days of receiving an application for appeal. The subject appeal was received on June 12, 2012.

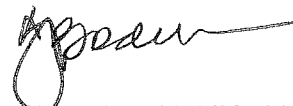
FISCAL IMPACT

There is no fiscal impact and no job impact as a result of the recommended action.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



PATRICK H. WEST
CITY MANAGER

AJB:DB:JR
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Attachments: Exhibit A- Plans and Photographs
Exhibit B- Appeal
Exhibit C- Denial Findings adopted by Planning Commission (6/7/2012)
Exhibit D- Original Findings for approval of CUP and Conditions of Approval (5/17/2012)