



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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July 19, 2018

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

## RECOMMENDATION:

Deny a Conditional Use Permit (CUP17-021) for the sale of beer and wine for off-site consumption at an existing gas station and convenience store located at 6370 E. Stearns Street in the Community Auto-Oriented Commercial (CCA) Zone. (District 4)

APPLICANT:           Leanne Tornow  
                              6370 E. Stearns Street  
                              Long Beach, CA 90815  
                              (Application No. 1712-03)

## DISCUSSION

This item was continued from the Planning Commission meeting of April 19, 2018, at the request of the applicant. During the continuance of the item, five members of the public offered testimony.

The project site is located on the southwest corner of Stearns Street and Palo Verde Avenue (Exhibit A – Location Map) in the Community Auto-Oriented Commercial Zone (CCA) on an approximately 13,876-square-foot lot. The site is developed with a gas station and new 3,518-square-foot convenience store in which construction was completed in March of 2018 (Exhibit B – Site Plans). It is encompassed by residential uses to the south and west, and strip commercial development to the north and east.

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the sale of beer and wine for off-site consumption (Type 20 License) within the convenience store. In order to approve a CUP application for off-site beer and wine sales, positive findings must be made (Exhibit C – Findings). Section 21.52.201 of the Zoning Code states that a new CUP shall not be approved in a reporting district with an over concentration of on- or off-sale premises, as recommended by the California Alcoholic Beverage Control Board (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 within Census Tract 5743.00, where up to three establishments may sell alcohol based on ABC criteria for population, which establishes a threshold for overpopulation within a census tract (Exhibit D – Alcoholic Beverage Control Statistics and Map). Currently, there are five ABC licenses in this census

tract, resulting in an overconcentration of ABC licenses for on-site or off-site consumption. The site is located within Police Reporting District 634, which is considered a high-crime-rate area based on a crime rate of 151, which is greater than the high-crime-rate threshold of 124. Establishments licensed for alcohol sales within the project site’s census tract are listed below by address and distance from the project site.

<b>ABC-Licensed Establishments in Census Tract 5743.00</b>		
<b>Establishment</b>	<b>Address</b>	<b>Proximity to Project Site</b>
EJN Market	2221 Palo Verde Ave.	350 Feet (0.066 miles)
Trader Joe’s	2222 Bellflower Blvd.	4,500 Feet (0.85 miles)
Target	2270 Bellflower Blvd.	4,500 Feet (0.85 miles)
Rite Aid	5545 Stearns St.	4,700 Feet (0.89 miles)
Los Altos Mobil	2200 Bellflower Blvd.	5,000 Feet (0.95 miles)

Of the five existing ABC-licensed establishments within one mile of the project site, four have a Type 21 License (Off-Sale General – beer, wine, and distilled spirits) including EJN Market, Trader Joe’s, Target, and Rite Aid; and one, Los Altos Mobil, has a Type 20 (Off-Sale Beer and Wine) License.

The State of California and the City of Long Beach have adopted standards reflecting that public welfare warrants a limitation on the number of premises in a community that are licensed for off-premise sales of beer and wine. Deviation from this standard creates the potential for adverse impacts such as loitering, noise, drinking and driving, and nuisance behavior in the surrounding community. Furthermore, overconcentration of ABC licenses in a community encourages the sale of alcohol at lower prices and offering single cans/bottles, based on increased supply. Studies have linked overconcentration, lower alcohol prices and the sale of single cans/bottles to the propensity for violent crimes (such as homicide and aggravated assault) among teens and young adults within a community (Exhibit E – Alcohol Studies). According to research conducted by University of California, Riverside officials, a correlation exists between higher densities of off-site premises and significantly higher homicide rates in teens and young adults from 13 to 24 years of age. A second study found that violent crime rates were significantly higher in neighborhoods that had both higher densities of off-premise locations and retail outlets that devoted more cooler space for single-serve containers. Data from the studies demonstrates the potential adverse impacts of overconcentration in jeopardizing public welfare. The overconcentration of ABC licenses within a given area should be avoided.

The project is located within a Police Reporting District that exceeds the reported crime threshold of 124, and within an overconcentrated Census Tract where there are five existing on- and off-sale establishments within one mile. Since positive findings cannot be made for the project, staff recommends that the Planning Commission deny the CUP

request for the sale of alcohol for off-site consumption at the existing gas station and market.

**PUBLIC HEARING NOTICE**

In accordance with provisions of the Zoning Ordinance, 246 Public Hearing notices were mailed on April 2, 2018, for the originally scheduled hearing date of April 19, 2018. As the applicant opted to continue this item to a date uncertain, Section 21.21.402B of the Zoning Ordinance requires re-noticing the request. At the time of preparation of this report, staff received a petition from the applicant with 59 signatures of support and a separate petition with 112 signatures of opposition for the proposed request (Exhibit F – Petitions of Support and Opposition).

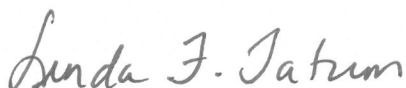
**ENVIRONMENTAL REVIEW**

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, projects for which staff recommends denial are not subject to CEQA review.

Respectfully submitted,



CHRISTOPHER KOONTZ, AICP  
PLANNING BUREAU MANAGER



LINDA F. TATUM, FAICP  
DIRECTOR OF DEVELOPMENT SERVICES

LFT:CK:CJ

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- Attachments:
- Exhibit A – Location Map
  - Exhibit B – Site Plans
  - Exhibit C – Findings
  - Exhibit D – Alcoholic Beverage Control Statistics and Map
  - Exhibit E – Alcohol Studies
  - Exhibit F – Petitions of Support and Opposition