

August 6, 2020

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach

California

RECOMMENDATION:

Accept Categorical Exemption CE-18-155 and approve a Conditional Use Permit (CUP18-016) for the sale of beer, wine and distilled spirits for off-site consumption at a newly-proposed grocery store located at 739 E. Anaheim Street in the Community Auto-Oriented (CCA) District. (District 6)

APPLICANT: Hany Malak for Black Equities Group, LTD
McKently Malak Architects
35 Hugus Alley, Suite 200
Pasadena, CA 91103
(Application No. 1806-23)

DISCUSSION

Background

The project site is located on the north side of Anaheim Street, between Lime Avenue and Martin Luther King Jr. Avenue (Exhibit A - Location Map). Known as the East Anaheim Plaza, the site is approximately 3.48 acres in area and developed with a commercial strip center consisting of four separate buildings with the following net building square footages: Building 1 - 9,421 square-feet; Building 2 - 23,305 square-feet; Pad A - 1,499 square-feet; Pad B - 11,348 square-feet; the total net building area is 45,573 square-feet. The buildings feature an assortment of restaurants, retail shops and service-oriented establishments and the site also has 177 parking spaces. The site is within the Community Auto-Oriented (CCA) District and has a General Plan Land Use PlaceType designation of Neighborhood Serving Center or Corridor Moderate Density (NSC-M). The table below identifies adjacent land uses.

Table 1: Adjacent Zoning and Land Uses

DIRECTION	ZONING	LAND USE
North	R-1-N	Single-Family Residential
South	CHW	Various Commercial Uses
East	CHW and R-1-N	Church and Residence
West	CCA	Various Commercial/Retail Uses



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Project Proposal

The applicant proposes to renovate the East Anaheim Plaza commercial strip, in which a new grocery store of 18,504 square feet (20,848 gross square feet) will be constructed. It is within this future grocery store that the applicant proposes to sell beer and wine for off-site consumption. The renovation also includes the demolition of Pads A (1,500 sq. ft) & B (10,000 sq. ft) and a portion of Building 2 (demo of 5,423 sq. ft), a facade remodel for the remaining buildings (Exhibit B - Plans).

Pursuant to Section 21.25.502 of the Zoning code, Site Plan Review approval is required for the construction of new commercial buildings of 1,000 square-feet or more, such as the new grocery store. The Site Plan Review Committee reviewed and approved the new building design and site configuration on May 27, 2020, based on positive Site Plan Review findings that the proposed design is considered harmonious and consistent within itself and compatible with neighboring structures (Exhibit C - Site Plan Review Findings).

The majority of the existing structures on the site were constructed in 1984. Renovation of the existing structures creates a cohesive design with the new grocery store building by offering a contemporary style of architecture with high-quality materials amongst each structure. Some of the high-quality materials used on each building elevation include composite wood siding, ledgerstone, metal siding, and smooth stucco siding. Each elevation among the three buildings also includes asymmetrical design with varied roof heights, pop outs and recesses to break large expanses of flat walls, a good contrast in colors, and corner elements that stand out from the rest of each elevation.

Site Plan Review requests are subject to Planning Commission review when new commercial buildings exceed 50,000 square feet. Therefore, the Planning Commission determination requested for this project is for the sale of beer and wine for off-site consumption.

Conditional Use Permit Requirements

In requesting to sell beer and wine for off-site consumption at a grocery store, the applicant proposes to establish a Type 20 license (Off-sale Beer & Wine), as classified by the California Alcoholic Beverage Control Board (ABC). Pursuant to Section 21.32.130 of the Long Beach Municipal Code (LBMC), the operation of an establishment with off-site alcohol sales as an accessory use requires the approval of a Conditional Use Permit (CUP). LBMC Section 21.52.201 outlines the findings that must be made in order to approve a CUP for alcoholic beverage sales uses (Exhibit D - CUP Findings).

The findings include a requirement that the operator of the use provide parking for the use equivalent to the parking required for new construction regardless of the status of the previous use as to legal nonconforming rights. The newly constructed grocery store will be 18,508 square feet. Per Section 21.41.216 of the LBMC, the parking requirement for a grocery store is 4 spaces per 1,000 square feet of floor area, which equates to 84 spaces. Since the new grocery store will be located within an existing commercial strip, the use will have access to 179 parking spaces (after renovation) shared amongst all businesses on the site. The existing commercial center has 177 parking spaces and a total net building area of 45,573 square feet. Upon completion of the commercial center renovation, the total net building area will be 45,323 square

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feet, a reduction of 250 square feet. Based on the overall reduction in net building area and the provision of two additional parking spaces (from 177 to 179), the commercial center is going from a parking ratio of 3.88 spaces per 1,000 square feet of floor area to 3.94 spaces per 1,000 square feet. Therefore, available parking far exceeds the grocery store requirement of 84 spaces.

Additional findings state 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 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 5753.00, where up to five establishments may sell alcohol. This limit is based on ABC criteria for population which establishes a threshold for overpopulation within a census tract (Exhibit E - Alcoholic Beverage Control Statistics). Currently, there is only one ABC license in this census tract, and approval of the requested CUP would not result in overconcentration within Census Tract 5753.00.

Furthermore, until a recent amendment of the LBMC, the off-site sale of beer and wine from a grocery store of at least 20,000 square feet was exempt from the CUP process. While large grocery stores are no longer exempt from the CUP process, the sale of beer and wine for off-site consumption at the new 20,848-square-foot establishment is not anticipated to cause any adverse impacts to the project site or the surrounding community as conditioned.

The site is located within Police Reporting District 303, which is not considered a high-crime rate area based on a crime rate of 52, which is significantly less than the high-crime rate threshold of 108. Also, several conditions of approval have been included to closely monitor the operation of off-site alcohol sales to ensure that the use does not threaten public health, safety or welfare (Exhibit F - Conditions of Approval). These conditions include security measures such as proper lighting and security cameras, prohibition of loitering, and the requirement to maintain a clean and orderly site to prevent any effects associated with blighted properties or nuisance areas. Furthermore, the renovation of the existing commercial center will address any concern for blighted conditions on the project site.

The Conditional Use Permit enables staff to monitor and periodically reinspect for compliance with the conditions of approval. Any violations of these conditions can serve as grounds for permit revocation at a noticed public hearing. Staff recommends that the Planning Commission adopt the Findings of Fact and approve the Conditional Use Permit for the sale of beer and wine for off-site consumption located at a new grocery store of 18,508 square feet (20,848 gross square feet).

PUBLIC HEARING NOTICE

A total of 309 public hearing notices were distributed on July 20, 2020, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code. No public comments were received at the time the report was prepared.

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 includes a request to sell beer and wine for off-site consumption at a newly constructed grocery store (Categorical Exemption CE18-156).

Respectfully submitted,



CUENTIN JACKSON
PROJECT PLANNER



CHRISTOPHER KOONTZ, AICP
DEVELOPMENT SERVICES DEPUTY DIRECTOR



OSCAR W. ORCI
DEVELOPMENT SERVICES DIRECTOR

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- Attachments:
- Exhibit A – Location Map
 - Exhibit B – Plans
 - Exhibit C – Site Plan Review Findings
 - Exhibit D – CUP Findings
 - Exhibit E – Alcoholic Beverage Control Statistics
 - Exhibit F – Conditions of Approval