

CONDITIONAL USE PERMIT FINDINGS

4680 E. Los Coyotes Diagonal

App. No. 2208-26 (CUP22-030)

Date: October 6, 2022

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 applicant is requesting approval of a Conditional Use Permit (CUP) for a Type 21 – Off-Sale Beer General license from the California Department of Alcoholic Beverage Control (ABC), for the sale of beer, wine, and distilled spirits at a new convenience market. The subject site has a General Plan Land Use PlaceType designation of Neighborhood-Serving Centers and Corridors – Low (NSC-L) and is within the Community Auto-Oriented Commercial (CCA) Zoning District. The NSC-M PlaceType encourages a variety of commercial uses to meet consumers' daily needs for goods and services, including but not limited to restaurants, cafes, retail shops, financial institutions, fitness centers and other daily conveniences within walking distance from residential uses.

One of the citywide goals identified in the Land Use Element is to support neighborhood preservation and enhancement (Goal No. 4 of the Land Use Element). Under this goal, the City strives to provide amenities and enhance facilities to support the single-family neighborhoods. Improving access to wide range of uses, including establishing commercial and retail uses on the periphery of neighborhoods or in commercial hubs to better serve residents and incorporating a variety of design enhancements and sustainable practices is consistent with and implements this and other General Plan goals.

The proposed sale of beer, wine and distilled spirits for off-site consumption will occur at a newly created convenience market of approximately 3,321 square feet. The convenience market, created from a portion of a previously vacant restaurant, will consist of a general stocked area with household goods and personal care items, a designated area for the preparation of hot and cold foods, and a designated area exclusive to alcohol for sale. The tenant improvement of a new convenience market from a portion of the vacant restaurant supports Goal No. 4 of the Land Use Element by specifically addressing Strategy No. 10 – to “create complete neighborhoods with identifiable centers and a full range of supporting neighborhood-serving uses to meet the daily needs of residents.” In particular, LU Policy 10-2 sets out to “complete neighborhoods by allowing low-intensity commercial uses to locate along neighborhood edges, in transition areas and at key intersections.” The project site is bordered in all directions by significant thoroughfares that connect to the city's Traffic Circle, in a neighborhood with several residential areas in close proximity. The

proposed creation of a new convenience market, in conjunction with an ABC license, will further enhance the project site as a viable neighborhood-serving commercial center that is located in the immediate vicinity of residential properties. The inclusion of alcohol sales will serve as an accessory component to the general product sales within the proposed convenience market.

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 use is not anticipated to be detrimental to the surrounding community. The subject site is a commercially zoned property bordered by major thoroughfares in every direction and within a block of the Traffic Circle. The immediate area includes a mix of several commercial centers and single- and multi-family residential neighborhoods. The existing commercial development in the vicinity provide for the daily shopping needs of nearby residents. The project site has long been developed as a multi-tenant commercial shopping center housing a variety of commercial uses, including the subject building, which was previously a restaurant. The incorporation and maintenance of the new convenience market, and the proposed alcohol license to allow the sale of beer, wine and distilled spirits will continue to ensure that surrounding residential areas have access to shopping and services within close proximity, contributing to sustainable development patterns and enhanced quality of life for residents.

The Long Beach Police Department (LBPD) indicates that fifteen calls for service were reported for the subject site from September 1, 2021 to September 1 2022. Conditions of Approval are incorporated to alleviate any concerns regarding nuisance behavior. These conditions include noise control, crime prevention signage installed throughout the premises, video surveillance camera installation accessible to LBPD continually, and adequate lighting of the parking lot. In addition to the LBPD-specific conditions, additional conditions include hours of operation, prohibition of loitering or queuing of patrons, general site cleanup and maintenance, container and package sizes and the requirement to maintain a food-preparation/food service component to the business. These conditions are included to ensure compatibility with the surrounding area. The requested ABC license will not alter the integrity of the proposed convenience market, a by-right use with the CCA Zoning District. It will serve in an ancillary capacity to overall market sales.

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

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 consists of a request to obtain a Type 21 ABC license for the sale of beer, wine and distilled spirits at a new convenience market of 3,321 square feet, within a portion of a vacant building located in a commercial center. The overall building area of the existing commercial center is approximately 64,400 square feet. The parking requirement for the proposed convenience market is fourteen spaces ($3,321 \text{ s.f.} \times 0.004 = 13.2 \text{ spaces}$). Additionally, the parking requirement for the entire commercial shopping center is 322 spaces ($64,400 \text{ s.f.} \times 0.005 = 322 \text{ spaces}$). As shown on the site plan, the entire commercial center includes 352 parking spaces. Therefore, parking is provided for the new convenience market, equivalent to new construction.

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

As conditioned, the project will provide lighting and other security measures to the satisfaction of the Chief of Police. Security measures include security cameras, specific hours of operation, crime prevention signage throughout the premises, and prohibition of loitering on-site.

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.

As conditioned, the operator will be required to prevent loitering or any other nuisance activity in the allotted parking area. Failure to comply with this conditioned shall be grounds for consideration of permit revocation.

D. The use shall not be in a reporting district with more than the recommended maximum concentration of the applicable on or off-premises sales use, as recommended by the State of California Alcoholic Beverage Control Board, nor with a high crime rate as reported by the Long Beach Police Department, except: (1) locations in the greater downtown area; or (2) stores of more than twenty thousand (20,000) square feet floor area, and also providing fresh fruit, vegetables and meat, in addition to canned goods; and

The Long Beach Police Department (LBPD) reports that the project site is within Census Tract 5749.02. The maximum recommended concentration of establishments with off-site alcohol sales in Census Tract 5749.02 is three. Currently, there are five ABC licenses with off-site sales within Census Tract 5749.02, which is already two above the ABC threshold. Although the project site is located within a Census Tract that is considered overconcentrated for off-site alcohol sales, staff doesn't anticipate adverse impacts resulting from an additional license. The applicant proposes to establish a new convenience market that will offer household essentials, care products and fresh food that is prepared on-site. Therefore, the convenience market will operate similar to a small grocery store as opposed to a liquor store or gas station. The existing establishments within the

census tract that have alcohol licenses include Von's, Ralph's, Rite Aid and CVS (all of which are within a quarter mile of the project site). Approval of the proposed liquor license at the new convenience market will allow the applicant to maintain a competitive market within the neighborhood. The LBPD also reports that the project site is 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%). Therefore, the high-crime threshold for 2020 was 116. By comparison, Police Reporting District 562 had 151 crimes reported.

Although the project site is located within a Police Reporting District that is considered high-crime, the type of alcohol establishment that generate the most calls for service within high-crime areas are liquor stores and taverns. Nuisance behavior such as on-site intoxication, loitering, trash, and noise are often associated with liquor stores, taverns and gas stations. The proposed convenience market will function similar to a grocery store within a well-maintained and highly visible commercial center. The project will be subject to several conditions of approval to ensure protection of public health, safety and welfare.

- 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 project site is not located within 500 feet of a public school or public park. The closest schools are Bixby Elementary School and Bethany School which are both approximately 2,380 feet away from the project site. The closest public park is Stearns Champions Park, which is approximately 1,400 feet away. Furthermore, the proposed convenience market will sell a variety of hot and cold foods that are prepared on-site.

4. THE RELATED DEVELOPMENT APPROVAL, IF APPLICABLE, IS CONSISTENT WITH THE GREEN BUILDING STANDARDS FOR PUBLIC AND PRIVATE DEVELOPMENT, AS LISTED IN SECTION 21.45.400

This project does not include the development of any new building square footage and consists of the tenant improvement of a portion of an existing building into a convenience market. This project does not trigger any thresholds for compliance with green building standards except as otherwise required by CalGreen and the building code.