

# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194 FAX (562) 570-6068

July 17, 2014

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

## RECOMMENDATION:

Deny a Conditional Use Permit (CUP) request to allow the sale of beer and wine for off-site consumption (Type 20 license) at an existing convenience store located at 5400 Atlantic Avenue within the Commercial Community Automobile-Oriented (CCA) District and accept Categorical Exemption 14-029. (District 8)

APPLICANT: Mark Kelishadi  
7-Eleven  
4157 Elm View Drive, 4  
Encino, CA 91316  
(Application 1403-12)

## DISCUSSION

The subject site is located at 5400 Atlantic Avenue within the Commercial Community Automobile-Oriented (CCA) District (Exhibit A – Location Map). Improvements at the site include an existing 7-Eleven convenience market and eight-pump gas canopy (Exhibit B – Plans & Photos). The applicant is seeking approval of a Conditional Use Permit (CUP) for a Type 20 license that would allow the market to sell beer and wine for off-site consumption. The CCA zoning district allows the sale of beer and wine for off-site consumption as a conditional use.

Section 21.52.201 of the zoning regulations require that sites seeking a conditional alcoholic beverages sales use not be in a reporting district with an over concentration of alcohol sales, as recommended by the Department of Alcoholic Beverage Control (ABC) and that the use not be in a reporting district with a high crime rate as reported by the Long Beach Police Department (LBPD). In considering this application, staff found that the subject site is located in a high crime reporting district. However, the subject census tract (5706.01) does not have an over-concentration of existing licenses (Exhibit C – Map of Existing ABC Licenses).

Additionally, Section 21.52.201 of the zoning regulations require that the use not be located within 500 feet of a public school. The subject property is located 435 feet from Lindbergh Middle School. Staff contacted Long Beach Unified School District (LBUSD) regarding the subject CUP request. LBUSD is opposed to the subject request and all alcohol sales within 600 feet of a school.

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Additionally, the LBPD has reviewed the request and does not support the application, due to the high volume of calls for service to the subject property, the location of the subject property in relation to Lindbergh Middle School and the history of minors and transients loitering at or near the subject property.

In addition to the stated opposition to the CUP request by LBUSD and the LBPD, staff is unable to make the necessary findings to support this application (Exhibit D – Findings) and is recommending denial of the application.

A previous application (Case No. 8912-21) to permit the off-premises sale of alcoholic beverages 500 feet or less from a district allowing residential use was denied by the Planning Commission in 1990.

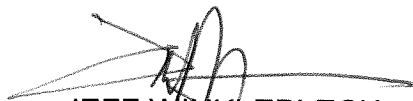
**PUBLIC HEARING NOTICE**

Public Hearing Notices were distributed on July 1, 2014, in accordance with the provision of the Zoning Ordinance and at the time of preparation of this report no responses were received.

**ENVIRONMENTAL REVIEW**

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 14-029) was issued for the proposed project (Exhibit E – Categorical Exemption).

Respectfully submitted,



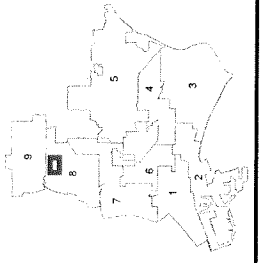
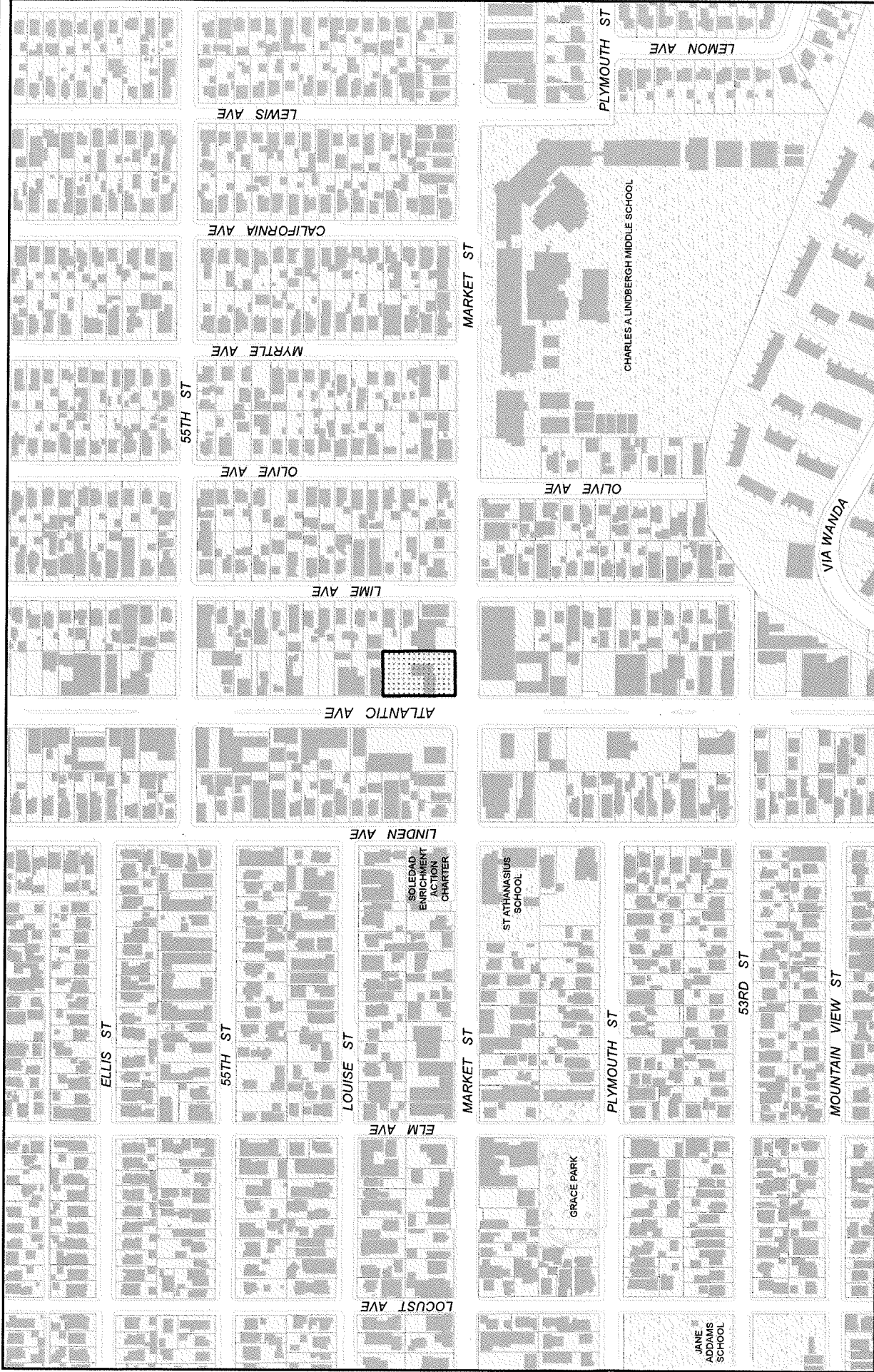
JEFF WINKLEPLECK  
ACTING PLANNING ADMINISTRATOR



AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

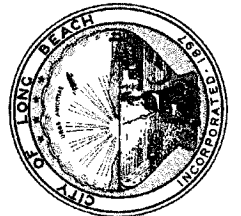
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Attachments:      Exhibit A – Location Map  
                         Exhibit B – Plans & Photos  
                         Exhibit C – Map of Existing ABC Licenses  
                         Exhibit D – Findings  
                         Exhibit E – Categorical Exemption 14-006



## Exhibit A

**Subject Property:**  
5400 Atlantic Ave  
Application No. 1403-12  
Council District 8  
Zoning Code : CCA



## **CONDITIONAL USE PERMIT FINDINGS**

**5400 Atlantic Ave.**

**Case No. 1403-12**

**July 17, 2014**

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 property is located in General Plan Land Use District #8A Traditional Retail Strip Commercial (LUD #8A) and the Commercial Community Automobile-Oriented (CCA) zoning district. LUD #8A is established to provide auto-oriented commercial services along certain corridors for the service and convenience of people traveling by car, and needing local services. The CCA zone permits retail and service uses, including convenience shopping, on major and minor arterial streets. The off-site sale of alcoholic beverages is permitted at an existing convenience market through a Conditional Use Permit (CUP). The project is consistent with all other development standards of the CCA. The proposal does not meet all zoning regulations. The subject site is located in a reporting district with a high crime rate and is within 500 feet of a public school.

**2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY, GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE;**

Since there is no physical expansion of the building the request qualifies for a Categorical Exemption (CE) under the California Environmental Quality Act (CEQA). However, based on the history of calls for service as reported by the Long Beach Police Department (LBPD), the request to add beer and wine sales would likely result in additional negative impacts in the surrounding neighborhoods.

**3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED 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 status of the previous use as to legal nonconforming rights;**

The proposed project does not expand the off-street parking requirements of the existing use, therefore the current off-street parking provided at the subject property meets the requirements of the proposed project.

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

Upon submittal, the Long Beach Police Department (LBPD) reviewed the project, including proposed lighting and security measures, and does not support the application.

- 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;**

LBPD has reported a high volume of calls for service regarding transients loitering in the parking lot and there is a public park near the subject property where minors and transients often loiter and associate. Additionally, the subject property's close proximity to the Lindbergh Middle School has resulted in minors loitering at or near the subject property.

- 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**

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 (5706.01) as well as the total number of reported crimes in the subject Police Reporting District. The subject property is not located in an over-concentrated census tract, there are currently two licenses in the tract and three are allowed. The subject property is located in an area with a high crime rate as reported by the LBPD.

- E. The use shall not be located within five hundred feet (500') of a public school, or public park, except: (1) locations in the greater downtown area; or (2) stores of more than twenty thousand (20,000) square feet of floor area, and also providing fresh fruit, vegetables and meat in addition to canned goods.**

The convenience market is located within 500 feet of a public school, Lindbergh Middle School.



# NOTICE of EXEMPTION from CEQA

DEPARTMENT OF DEVELOPMENT SERVICES  
333 W. OCEAN BLVD., 5<sup>TH</sup> FLOOR, LONG BEACH, CA 90802  
(562) 570-6194 FAX: (562) 570-6068  
lbds.longbeach.gov

TO: ☐ Office of Planning & Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

FROM: Department of Development Services  
333 W. Ocean Blvd, 5<sup>th</sup> Floor  
Long Beach, CA 90802

☐ L.A. County Clerk  
Environmental Fillings  
12400 E. Imperial Hwy. 2<sup>nd</sup> Floor, Room 2001  
Norwalk, CA 90650

Categorical Exemption CE-\_\_\_\_\_

Project Location/Address: 5400 Atlantic Blvd, Long Beach, CA 90805

Project/Activity Description: To permit the sale of beer and wine only for off-site consumption; in conjunction with an existing 2,224 square foot 7-Eleven convenience market; with operation being 24 hours a day, seven days a week and hours of alcohol sales from 6:00 am to 2:00 am daily. The applicant is in the process of purchasing a license less than a mile away from the location in adjacent census tract.

Public Agency Approving Project: City of Long Beach, Los Angeles County, California

Applicant Name: 7-Eleven Mark Kelishadi

Mailing Address: 4157 Elm View Drive, Encino, CA 91316

Phone Number: 818-705-4270

Applicant Signature: \_\_\_\_\_

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1403-12 Planner's Initials: RB

Required Permits: Conditional use permit

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH  
STATE GUIDELINES SECTION 15301 - Class 1 existing facility

Statement of support for this finding: Minor alteration to existing Market

Contact Person: Bruce Bruchland

Contact Phone: (562) 570-6922

Signature: [Handwritten Signature]

Date: 6/4/14