



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

April 16, 2015

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Approve a Conditional Use Permit (CUP) request to allow the sale of beer, wine, and spirits for off-site consumption (Type 21 license) at 4250 Long Beach Boulevard, in the CCA (Commercial Community Automobile-Oriented) zoning district, and accept Categorical Exemption 15-039. (District 8)

APPLICANT: BXLB, LLC
 c/o Lori Gast for Red Mountain Group
 1234 E. 17th Street
 Santa Ana, CA 92701
 (Application 1503-06)

DISCUSSION

The subject site is a 3.56-acre parcel located at the northeast corner of Long Beach Boulevard and San Antonio Drive (Exhibit A – Location Map). It has a zoning designation of CCA (Commercial Community Automobile-Oriented), and a General Plan Land Use designation of LUD #7—Mixed Use District. The site is improved with a 52,220-square-foot building, formerly a supermarket, which is currently vacant. The applicant proposes to divide this building into seven new tenant spaces (not part of this Conditional Use Permit (CUP) request), one of which will house a Trader Joe's market (Exhibit B – Plans). This Trader Joe's store will be relocating from their current site at 4121 Atlantic Avenue to acquire a larger and more modern tenant space. The scope of operations of the Trader Joe's market will be essentially the same as their existing operation on Atlantic Avenue. In addition to food and other groceries, the applicant requests approval of a CUP to allow alcohol sales. This Trader Joe's proposes to sell a full range of alcoholic beverages for off-site consumption under a Type 21 license from the California Department of Alcoholic Beverage Control.

Due to the size of the proposed Trader Joe's tenant space—12,987 square feet—this request would not be eligible for a Conditional Use Permit Exemption (CUPEX), which is available for grocery stores of 20,000 square feet or greater. Neither would this request be affected by the current citywide moratorium on approval of CUPEX permits.

Per Section 21.52.201 of the Zoning Regulations, applications for alcoholic beverage sales uses shall not be in a reporting district with more than the maximum concentration

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of the applicable on or off-premises sales use, as recommended by the California Department of Alcoholic Beverage Control (ABC). According to the ABC, the subject site is located in census tract 5715.02, which has five Type 21 licenses, including one surrendered license that belonged to the vacant supermarket at the subject site. The ABC's maximum number of recommended licenses for this census tract is three, meaning the tract is currently two licenses over-concentrated. However, approval of this CUP would allow a Type 21 license for Trader Joe's to take the place of the license for the former supermarket, and would not add a new license to the census tract.

The Zoning Regulations also require that alcoholic beverage sales uses not be located within a crime reporting district with a high crime rate, as reported by the Long Beach Police Department (LBPD). This site is located in a high-crime district. However, this project will not establish a new license in this district, but will take the place of the existing license for the former supermarket. Additionally, staff has included a number of conditions of approval to prevent any potential negative impacts and to ensure the safety of the community (Exhibit C – Conditions of Approval). These include a restriction on alcohol sales outside the hours of 8:00 am from 10:00 pm, and a restriction against any signage or advertising of alcoholic products on the exterior of the store or in the store's windows.

Finally, the Zoning Regulations state that alcoholic beverage sales uses shall not be located within five hundred feet (500') of a public school or public park. The nearest public park, Scherer Park, is approximately 2,000 feet to the north of the site. The nearest public school, Hughes Middle School, is approximately 3,300 feet southeast of the site.

Planning staff finds that the proposed CUP for Type 21 alcohol sales at this location will not cause any substantial adverse effects on neighboring land uses, or the community at large (Exhibit D – Findings). Staff recommends approval of this CUP, subject to conditions.

PUBLIC HEARING NOTICE

Public Hearing Notices were distributed on March 31, 2015, in accordance with the requirements of Chapter 21.21 of the Zoning Regulations. Planning staff has received no comments, inquiries, or statements from the public as of the writing of this report.

ENVIRONMENTAL REVIEW

In accordance with the guidelines for implementing the California Environmental Quality Act (CEQA), Categorical Exemption 15-039 was issued (Exhibit E – Categorical Exemption CE-15-039).

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Respectfully submitted,


JEFF WINKLEPLECK

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CURRENT PLANNING OFFICER

Linda J. Jatum

LINDA F.TATUM, AICP
PLANNING BUREAU MANAGER

Sinda J. Jaturum for
AMY L. BODEK, ALCD

AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LT:JW:sk

Attachments:

- Exhibit A – Location Map
- Exhibit B – Plans
- Exhibit C – Conditions of Approval
- Exhibit D – Findings
- Exhibit E – Categorical Exemption

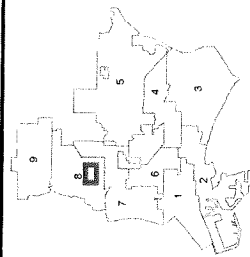
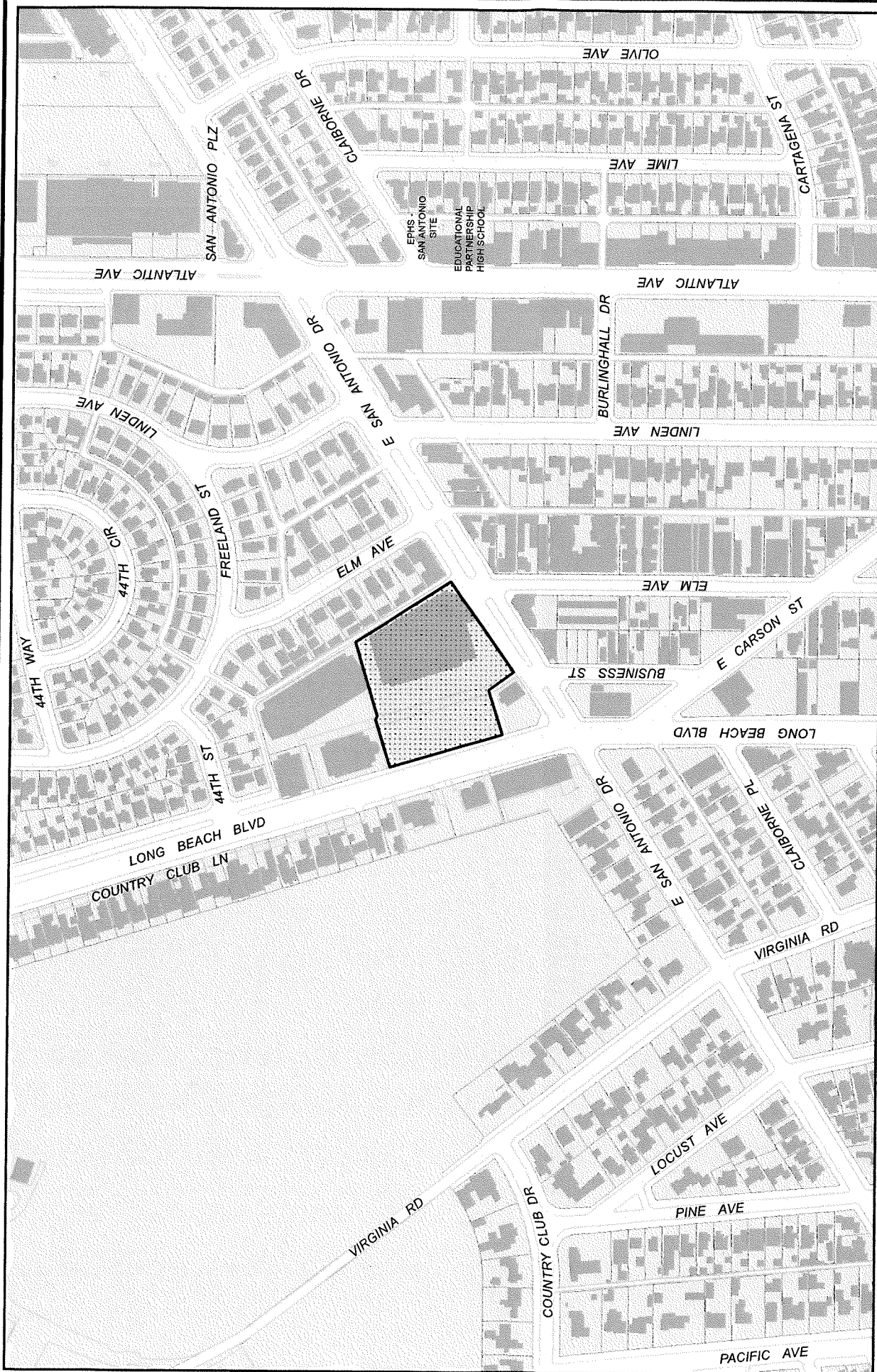
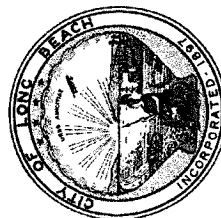


Exhibit A

Subject Property:

4250 Long Beach Blvd
Application No. 1503-06
Council District 8
Zoning Code : CCA
OVERLAY HR - 3, 4, 7



CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

4250 Long Beach Blvd.

Case No. 1503-06

April 16, 2015

1. This Conditional Use Permit approval shall allow for the sale of beer, wine, and spirits for off-site consumption (under a Type 21 ABC License) at a new Trader Joe's specialty market.
2. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
3. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgement Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).

Special Conditions:

4. Alcohol sales shall not occur outside the hours of 8:00 am to 10:00 pm, daily.
5. No signage or advertising for alcoholic products shall be allowed on the exterior of the store, or in the store windows, or within 6 feet of the store windows and visible from the exterior of the store, or in the parking lot outside the store. In any case, no more than 10% of the area of each window shall be used for signage.
6. Exterior lighting shall clearly illuminate the common areas surrounding the building including, but not limited to, the entrance and exit doors, as well as the business address. Lighting should be positioned to discourage vagrant persons from sleeping on the premises. Metal halide or other similar bulbs, which emit a white light spectrum, should be used. Low- or high-pressure sodium lighting and mercury-vapor lamps should be avoided.
7. The store's address shall be clearly visible from both Long Beach Boulevard and San Antonio Drive.

8. A video surveillance system is recommended be installed to assist with monitoring the property on both the interior and exterior. A Digital Video Recorder (DVR), capable of exporting video in uncompressed non-proprietary AVI file, and images in TIFF, BMP, or JPG format, should be used. A minimum resolution of 640 × 480 pixels is required, with a full 1080p HD resolution preferred. Recordings should be retained for no less than 30 days.
9. Windows shall not be obscured or blocked by placement of signs, shelving, racks, coolers, boxes, or similar obstructions. No merchandise shall block windows unless it is oriented to the exterior as a storefront window display.
10. No alcoholic beverages shall be consumed in or outside the store premises on the subject property.
11. Possession of alcoholic beverages in open containers and the consumption of alcoholic beverages shall be prohibited on the subject property.
12. Installation of exterior newsstands or vending machines shall be prohibited.
13. Video or coin operated games and the like shall be prohibited on site so as to discourage loitering on the premises.
14. The operator of the approved use shall prevent loitering, loud noises and nuisance activity around the subject site, and in all parking areas serving the use, during hours of operation.
15. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
16. No sales to any person appearing to be or actually being intoxicated shall be allowed.
17. All sales of alcohol shall be directly supervised by an authorized employee of the licensee, aged at least 21 years, including inspection of identification to verify age of purchaser, and observation of purchaser to ensure no sales to intoxicated persons.
18. All exterior lighting systems shall repaired and upgraded to the satisfaction of the Director of Development Services. All exterior lighting systems shall be maintained in good working condition. Lights shall be appropriately shielded to prevent intrusion of light and glare onto adjacent properties or the public right-of-way.
19. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.

20. All exterior trash containers shall be properly stored and secured in an approved trash receptacle storage area.

Standard Conditions:

21. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
22. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
23. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of city officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
24. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
25. The Director of Development Services is authorized to approve minor modifications to the approved design plans or the any of the conditions of approval if such modifications shall not significantly change or alter the approved design and project. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
26. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
27. Any graffiti found on site must be removed within 24 hours of its appearance.

28. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.

CONDITIONAL USE PERMIT FINDINGS

4250 Long Beach Blvd.

Case No. 1503-06

April 16, 2015

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 (LUD) #7, "Mixed Use District," and the CCA (Commercial Community Automobile-Oriented) zoning district. LUD #7 is established to blend compatible land uses (residential and low- to medium-intensity commercial) with the goal of increasing the efficiency and vitality of an urban site. The CCA zone allows for commercial-only land uses. The project, alcohol sales for off-site consumption from a 12,987-sq. ft. specialty grocery market, is compatible with and conforms to both the General Plan LUD and the zoning district, and applicable zoning regulations.

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

With staff's standard conditions and those recommended by the Long Beach Police Department (LBPD) incorporated, approval of a Type 21 license at the subject site will not be detrimental to the surrounding community. The use will be located in a specialty grocery market with sufficient established operating procedures to ensure that the alcohol sales use will not cause any nuisance impacts upon the community. Conditions of approval also restrict hours of alcohol sales to 8:00 am to 10:00 pm, and prohibit any exterior signage or advertising for alcohol products.

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;

Parking at the shopping center, where the proposed use will be located, will be provided in compliance with Chapter 21.41 of the zoning regulations.

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

Conditions of approval require the developer to implement all security measures recommended by the Long Beach Police Department.

- 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;**

A standard condition prohibiting loitering and other nuisance parking lot activities has been included in the project conditions of approval.

- 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 of floor area, and also providing fresh fruit, vegetables and meat, in addition to canned goods; and**

When evaluating a Conditional Use Permit application for the sale of alcoholic beverages, staff checks for 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. The site is located in census tract 5715.02, which currently has five active Type 21 licenses, including one surrendered license that belonged to the vacant supermarket at the subject building. This is more than the Department of Alcohol Beverage Control's recommended maximum of three off-sale licenses for the subject site's census tract. However, approval of this CUP will simply allow another Type 21 license to take the place of the previous license for the former supermarket, and no additional licenses would be added to this census tract. Also, the subject property is located in a crime-reporting district with a total number of offenses more than 20% above average, placing it in a high-crime category. However, again, approval of this CUP would not add a new license to this reporting district, but take the place of an existing one.

- 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 nearest public park, Scherer Park, is approximately 2,000 feet to the north of the site. The nearest public school, Hughes Middle School, is approximately 3,300 feet southeast of the site.



CITY of LONG BEACH NOTICE of EXEMPTION

EXHIBIT E

DEPARTMENT OF DEVELOPMENT SERVICES | PLANNING BUREAU
333 W. OCEAN BLVD., 5TH 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, 5th Floor
Long Beach, CA 90802

☒ L.A. County Clerk
Environmental Filings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 15-039

Project Location/Address: 4250 Long Beach Blvd. Long Beach CA. 90807
Project/Activity Description: Re-development of old Ralph's grocery
store to retail spaces, Conditional Use Permit for
multiple alcohol sales for off-site consumption
(Type 21 license)

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

Applicant Name: BXLB, LLC

Mailing Address: 1234 E. 17th St. Santa Ana CA. 92701

Phone Number: 714-245-7400

Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1503-06 Planner's Initials: SK

Required Permits: Conditional Use Permit

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH
STATE GUIDELINES SECTION Class 2 Section 15302 Replacement
or Reconstruction.

Statement of support for this finding: Project involves conversion of a vacant
supermarket into several smaller tenant spaces with no new
GFA, and issuance of a Conditional Use Permit to allow
Type 21 liquor sales at a new market in one tenant space.

Contact Person: Scott Kinsey

Contact Phone: (562) 570-6194

Signature: Scott Kinsey

Date: 4/2/15