



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

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May 5, 2016

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach

California

RECOMMENDATION:

Accept Categorical Exemption 16-045 and approve a Conditional Use Permit to allow the sale of beer, wine, and distilled spirits for off-site consumption (Type 21 license) at a supermarket ("Smart and Final"), located within an existing retail building at 4480 Atlantic Avenue, in the Commercial Community Automobile-Oriented (CCA) zoning district. (District 8)

APPLICANT: Smart & Final Stores, LLC
600 Citadel Drive
Commerce, CA 90040
(Application No. 1602-25)

DISCUSSION

The subject site is a 9.85-acre parcel located on the southeast corner of the intersection of Atlantic Avenue and 45th Street (Exhibit A – Location Map). The site 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 retail shopping center. The subject site, formerly an Orchard Supply Hardware Store, is currently vacant and the property owner is dividing the space into two major tenant spaces. The applicant, Smart & Final Stores, LLC., proposes to operate a 30,024-square-foot supermarket in one of the spaces, with the sale of beer, wine, and distilled spirits for off-site consumption (Exhibit B – Plans). A Conditional Use Permit (CUP) is required for the sale of beer, wine, and distilled spirits for off-site consumption, along with a Type 21 license from the California Department of Alcoholic Beverage Control (ABC). The remodel of the Orchard Supply Hardware space is being reviewed by the Site Plan Review Committee, and also includes an exterior remodel to several buildings in the center and reconfiguration and upgrades to the parking area.

Per the Zoning Regulations, applications for alcoholic beverage sales uses shall not be in a reporting district with more than the maximum concentration of the applicable on- or off-premises sales, as recommended by the ABC, except for locations in the greater downtown area or grocery stores of more than 20,000 square feet. The subject site is located in a census tract which has six active Type 20 and 21 licenses, plus one surrendered license that belonged to the vacant supermarket (Ralph's) at 4250 Long Beach Boulevard. As the maximum number of recommended licenses for this census tract

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is three, the tract is currently over-concentrated. However, the proposed Smart & Final store is more than 20,000 square feet in area, in conformance with Section 21.52.201 of the Zoning Regulations. A map of the location of the active alcohol licenses within the census tract is shown in Exhibit C.

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), except for locations in the greater downtown area or grocery stores of more than 20,000 square feet. This site is located in a high-crime district, as reported by the Long Beach Police Department. Staff has included a number of conditions of approval to address potential negative impacts to the community (Exhibit D – Conditions of Approval). These include limiting alcohol sales to the hours of 6:00 am to 12:00 am, prohibiting any signage or advertising of alcoholic products on the exterior of the store or in the store's windows, and a requirement that the operator prevent loitering on the premises. Staff has also discussed this CUP request with the Police Department, who have indicated no objection to approval of the CUP. Additionally, the proposed Smart & Final store is more than 20,000 square feet in area, in conformance with Section 21.52.201 of the Zoning Regulations.

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, Bixby Knolls Park, is approximately 1,700 feet (0.3 mile) to the west of the site. The nearest public school, Barton Elementary School, is approximately 2,800 feet (0.6 mile) northeast of the site.

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

PUBLIC HEARING NOTICE

Public Hearing Notices were distributed on April 20, 2016, 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 16-045 was issued (Exhibit F – Categorical Exemption CE 16-045).

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Respectfully submitted,



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LT:CK:ct

Attachments:

- Exhibit A – Location Map
- Exhibit B – Plans
- Exhibit C – Map of Census Tract 5715.02
- Exhibit D – Conditions of Approval
- Exhibit E – Findings
- Exhibit F – Categorical Exemption CE 16-045

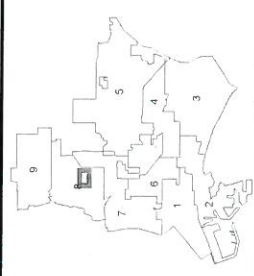
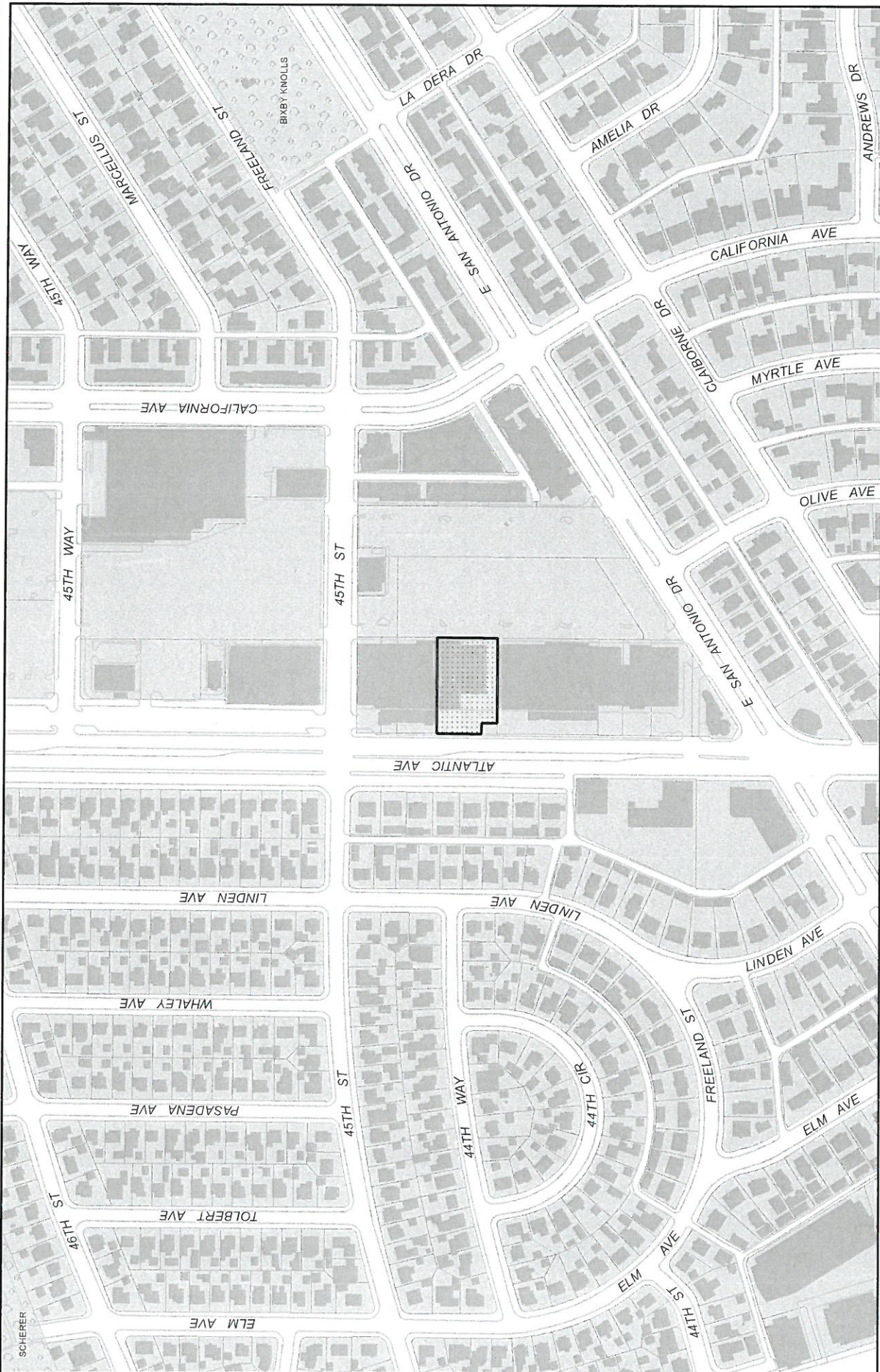


Exhibit A



Subject Property:
4480 Atlantic Ave
Application No. 1602-25
Council District 8
Zoning Code : CCA HR-4



EXHIBIT C

City of Long Beach,
California

80 08

Existing Off-Site Alcohol Licenses for Census Tract 5715.02

Map Features

- Proposed License Location
- Existing Off-Sale Locations
- Census Tract 5715.02
- City Boundary

Sources:

Off-site Type 21 & 20 sales locations taken from the CA Alcoholic Beverage Control website.

Tract 5715.02 is from the 2010 Census.

Department of
Technology Services
GIS

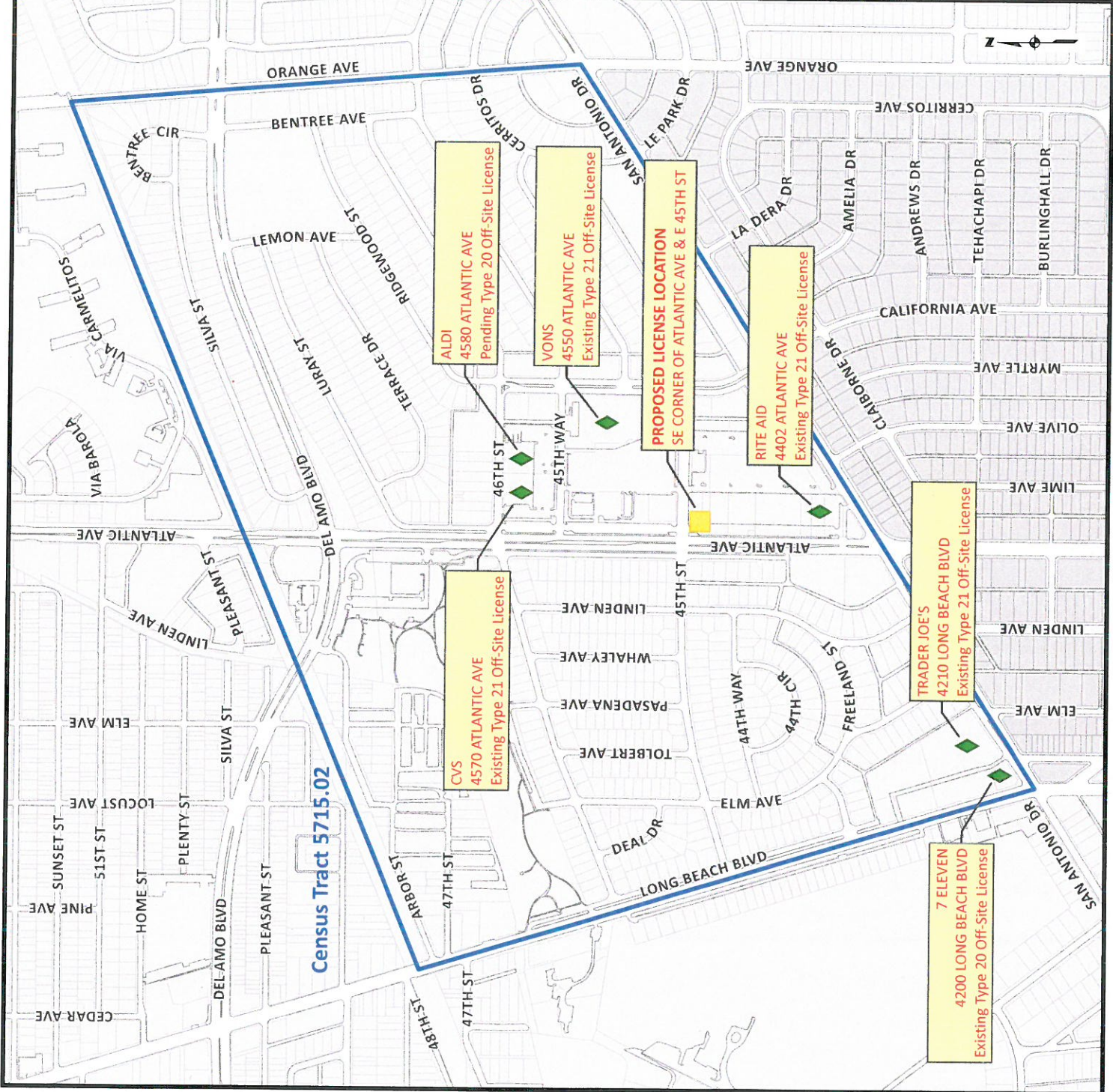


EXHIBIT D

CONDITIONS OF APPROVAL

4480 Atlantic Avenue
Application No. 1602-25
May 5, 2016

Special Conditions:

1. This Conditional Use Permit approval shall allow for the sale of beer, wine, and distilled spirits for off-site consumption (under a Type 21 ABC License) at a new 30,024 square-foot Smart & Final supermarket.
2. Alcohol sales shall be limited to the hours of 6:00 am to 12:00 am, daily.
3. No signage or advertising for alcoholic products shall be allowed on the exterior of the store, or in the store windows, or within six 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 percent of the area of each window shall be used for signage.
4. 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.
5. The store's address shall be clearly posted on each building frontage so as to be visible from Atlantic Avenue and 45th Street.
6. A video surveillance system shall 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.
7. 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.
8. Alcoholic beverages shall not be consumed inside the store premises or outside on the subject property, and possession of open containers of alcohol shall be prohibited. The only exception shall be for tasting purposes inside the store, as allowed under the appropriate license type from the Department of Alcoholic Beverage Control (ABC). Such license shall be obtained by the operator prior to any tasting taking place, and said license shall be maintained in good standing as long as any tasting is to take place at the store premises.

9. Installation of exterior newsstands or vending machines shall be prohibited, and any existing ones shall be removed.
10. Any exterior on-site recycling or donation bins or machines shall be prohibited, and any existing ones shall be removed.
11. Video or coin operated games and the like shall be prohibited on site so as to discourage loitering on the premises.
12. Publicly accessible telephones on the exterior of the premises shall be prohibited. Any existing publicly accessible telephones shall be removed.
13. 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.
14. No sales to any person appearing to be or actually being intoxicated shall be allowed.
15. 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.
16. All exterior lighting systems shall be 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.
17. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
18. All exterior trash containers shall be properly stored and secured in an approved trash receptacle storage area.

Standard Conditions:

19. 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.

20. 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).
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.

EXHIBIT E

CONDITIONAL USE PERMIT FINDINGS

4480 Atlantic Avenue
Application No. 1602-25
May 5, 2016

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, sales of beer, wine, and distilled spirits for off-site consumption from a 30,024-square-foot supermarket, 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 standard conditions and those recommended by the Long Beach Police Department (LBPD) incorporated, approval of a Conditional Use Permit to allow a Type 21 license at the subject site will not be detrimental to the surrounding community. The use will be located in a 30,024-square-foot supermarket 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 limit hours of alcohol sales to 6:00 am to 12:00 am, prohibit any exterior signage or advertising for alcohol products, and require the operator to prevent loitering on the premises.

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 existing shopping center, where the proposed use will be located, is provided in compliance with Chapter 21.41 of the zoning regulations. The supermarket is occupying a space formerly occupied by a retail use (Orchard Supply Hardware Store) and as such, no additional parking spaces are required.

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

The subject site is located in a census tract that is over-concentrated for ABC licenses (six active, three recommended), and is located in a reporting district with a high crime rate according to the LBPD. However, the supermarket is more than 20,000 square feet in area (30,024 square feet) and will provide a full line of groceries.

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, Bixby Knolls Park, is approximately 1,700 feet (0.3 mile) to the west of the site. The nearest public school, Barton Elementary School, is approximately 2,800 feet (0.6 mile) northeast of the site.



CITY of LONG BEACH NOTICE of EXEMPTION

EXHIBIT F

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 Fillings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 16-045

Project Location/Address: 4480 Atlantic Avenue , Long Beach, CA 90807

Project/Activity Description: Major Conditional Use Permit to allow the sale of a full line of alcoholic beverage for off-site consumption in conjunction with a new supermarket.

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

Applicant Name: Smart & Final Stores, LLC

Mailing Address: 600 Citadel Drive, Commerce, CA 90040

Phone Number: (323) 869-7699

Applicant Signature: *Deborah S. Lee*

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1602-25 Planner's Initials: CR

Required Permits: Conditional Use Permit

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH
STATE GUIDELINES SECTION 15.301 Existing Facilities

Statement of support for this finding: Project consists of the sale of beer, wine, and distilled spirits in a future supermarket, to be located in an existing retail building.

Contact Person: Carrie Tai

Contact Phone: (562) 570-6411

Signature: *Carrie Tai*

Date: 4/25/2016