



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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

Long Beach, CA 90802

(562) 570-8194

June 6, 2019

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

## RECOMMENDATION:

Accept Categorical Exemption CE-19-046 and approve a Conditional Use Permit (CUP19-007) to allow on and off-site alcohol sales; On Sale Beer and Wine and Instructional Tasting in conjunction with a convenience food market, totaling 1,254 square-feet of commercial space, located at 707 E. Ocean Blvd - Unit A, within the Downtown Plan (PD-30) District. (District 2)

APPLICANT: Art Rodriguez Associates  
444 E. Huntington Drive, Suite 208  
Arcadia, CA 91006  
(Application 1902-14)

## DISCUSSION

The subject site is located on the north side of Ocean Boulevard between Atlantic Avenue and Alamos Avenue (Exhibit A – Vicinity Map) within the Downtown Plan (PD-30) District, Height Incentive Area. The site is developed with a 17-story mixed-use building which includes 23 residential units and 6,125 square feet of retail space, known as The Current. The applicant is proposing to operate a market with a gross floor area of 1,543 square feet, of which 1,254 square feet will be used as a customer area. There are no exterior improvements proposed (Exhibit B – Plans & Photographs). The proposed market will offer both food and alcohol sales (on-premise and off-premise) as well as instructional wine tasting.

The applicant is seeking approval of a Conditional Use Permit (CUP) to allow off premise alcohol sales in conjunction with a market. The Type 21 Alcoholic Beverage Control (ABC) license allows for the sale of beer, wine, and distilled spirits for off-site consumption. The on-premise alcohol sales (Type 42 ABC License) and instructional tasting (Type 86 ABC License) are allowed by right within the height incentive area. The proposed tenant space is configured so that the non-alcoholic merchandise which includes fresh packaged foods will be at the front entrance of the store.

In considering the CUP for the off-premise sale of beer, wine, and distilled spirits, staff evaluated the number of existing alcohol licenses in the subject Census Tract 5760.01 in which the proposed establishment is located, as well as, the total number of reported crimes in the subject Police Reporting District. Long Beach Municipal Code (LBMC)

Section 21.52.201 requires that a new CUP for alcohol sales shall not be approved in a reporting district with an over concentration of alcohol sales, as recommended by the California Department of Alcoholic Beverage Control (ABC), and that the use shall not be in a reporting district with a high crime rate as reported by the Long Beach Police Department (LBPD), except locations in the greater Downtown area.

The subject property is within Census Tract 5760.01, which is currently designated as a high crime area per the LBPD. There are currently three (3) Type 21 licenses for off-premise sales within this census tract; a maximum of three Type 21 licenses are permitted (Exhibit C – Map of Existing Alcohol License). Adding a fourth Type 21 license at this location will create an overconcentration of off-site sales within the census tract. However, pursuant to LBMC Section 21.52.201, the restriction on alcohol sale uses within areas designated as high crime and/or overconcentration is not applicable within the Downtown area. The Downtown area is exempt from the criteria to foster the creation a mixed-area with a range of business and entertainment uses within a small geographic area. The LBPD reviewed the CUP request for this location and has no objection to its approval provided that the use includes security and operational standards as part of the conditions of approval. To ensure the use operates in a manner compatible with the surroundings, staff has incorporated additional conditions of approval which include a maximum floor area for off-premise alcoholic beverage sales and mandatory staff training (Exhibit D – Findings & Conditions of Approval). Staff recommends that the Planning Commission approve the CUP subject to conditions of approval.

### **PUBLIC HEARING NOTICE**

A Notice of Application was sent to local community groups on May 13, 2019, and 1,206 Public Hearing Notices were distributed on May 13, 2019, in accordance with the provision of the Zoning Ordinance. Revised Public Hearing Notices were sent out on May 20, 2019. At the time of writing this report, staff had not received any comments on this application.

### **ENVIRONMENTAL REVIEW**

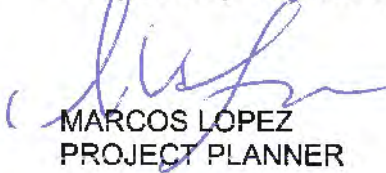
In accordance with the Guidelines for Implementation of the California Environmental Quality Act, the project is exempt per Section 15301 – Existing Facilities Class 1(a), as the project consists of the operation of a grocery store within an existing commercial building. (CE-19-046).

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Respectfully submitted,



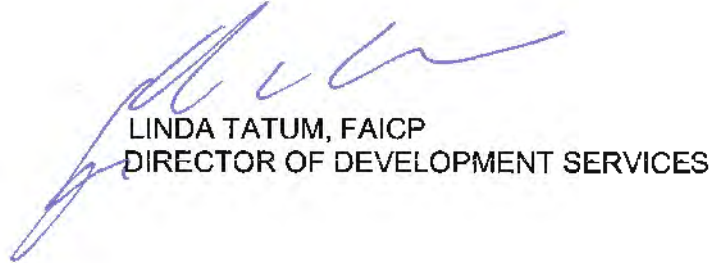
MARCOS LOPEZ  
PROJECT PLANNER



ALEXIS OROPEZA  
CURRENT PLANNING OFFICER



CHRISTOPHER KOONTZ, AICP  
PLANNING BUREAU MANAGER



LINDA TATUM, FAICP  
DIRECTOR OF DEVELOPMENT SERVICES

LT:CK:AO;ml

Attachments:

- Exhibit A – Vicinity Map
- Exhibit B – Plans & Photographs
- Exhibit C – Map of Existing Alcohol Licenses
- Exhibit D – Findings & Conditions of Approval