

CONDITIONAL USE PERMIT FINDINGS

**6235 E. Spring Street
Application No. 1905-43 (CUP19-022)
August 22, 2019**

Pursuant to Section 21.25.201 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 site is located in General Plan Land Use District No.8N (Shopping Nodes) and within the CCA (Community Automobile-Oriented Commercial) zone. The Land Use Element designation of LUD No. 8N – Shopping Nodes is created to accommodate retail and service uses exclusively, primarily in small clusters. The subject site consists of an existing grocery store within a commercial strip shopping center. Other businesses within the commercial strip include a Petco, Subway, Bank of America and several other smaller retail and restaurant uses. The applicant proposes the sale of beer, wine and distilled spirits for off-site consumption at the existing grocery store. The sale of alcohol for off-site consumption within the existing grocery store would only serve as an accessory component to be included with the items that are already sold. The grocery store is a neighborhood-serving establishment that accommodates a retail use within a small cluster.

The CCA zone allows the off-site sale of beer, wine and distilled spirits at a public place subject to the approval of a Conditional Use Permit (CUP). A CUP is consistent when it carries out the intent of the land use district in which it is located, and otherwise complies with the Zoning Regulations. Approval of a CUP would allow for the expansion of product types sold at the grocery store with the addition of beer, wine and distilled spirits to the current inventory sold.

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 project site consists of a well-maintained grocery store which will be 42,689 square-feet upon completion of a pending renovation. The sale of beer, wine and distilled spirits at the grocery store will not alter the fundamental operation of the existing grocery store. Furthermore, several Conditions of Approval are included to give staff the authority to ensure that its operations will not become detrimental to the community. These conditions include security measures to prevent nuisance behavior and loitering, ensuring safe

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

Section 21.52.201 states that the following conditions shall apply to all alcoholic beverage sales uses requiring a Conditional Use Permit:

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 subject site consists of a grocery store located within a commercial shopping center that includes several retail and restaurant uses. The site is pending a renovation consisting of a façade remodel and demolition of approximately 15,000 square feet of grocery store floor area. Upon completion of the remodel, the grocery store will be 42,689 square-feet. Nine parking spaces will be added to the shopping center. As a result, the total area of all buildings within the shopping center will be 90,376 square-feet. The parking requirement for the entire center is 452 spaces. Completion of the remodel will render a total of 470 parking spaces, which does meet code requirements.

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 use will provide adequate security measures to the satisfaction of the Chief of Police.

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 shall be required to prevent loitering in the parking lot or anywhere on the exterior of the establishment.

D. The use shall not be in a reporting district with more than the recommended maximum concentration of the applicable on or off-premise sales use, as recommended by the Long Beach Police Department, 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 is located within Police Reporting District 663, which is not considered a high-crime area per LBPd crime reporting standards pursuant to the California Department of Alcoholic Beverage Control Board (ABC). The crime rate is 28, while 115 is the threshold for high crime. Therefore, the project site is located within a Reporting District that is well below the threshold. Furthermore, staff has included several Conditions of Approval to closely

monitor the operation of the grocery store ensure that it does not threaten public health, safety or welfare.

The project site is located within Census Tract 5740.00, in which a maximum number of three establishments serving alcohol is recommended. As the census tract currently has three establishments with ABC licenses, approval of an additional license would result in overconcentration. Although an overconcentration would occur as a result of project approval, staff believes that the sale of beer, wine and distilled spirits for off-site consumption will not cause any adverse effects. The shopping center in which the grocery store is located is well-maintained, with no records of negative operational practices or nuisance activity. Furthermore, prior to a recent update of the Long Beach Municipal Code (LBMC), the off-site sale of beer, wine and distilled spirits from a grocery store of 20,000 square-feet or more was exempt from the CUP process. While larger grocery stores are no longer exempt from the CUP process, approval of the proposed use is not anticipated to have a negative impact due to overconcentration.

- 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.**

Although the grocery store is located approximately 320 feet away from Milliken High School, staff does not anticipate any negative impacts resulting from project approval. The existing grocery store is well-maintained and has operated without any record of nuisance activity. Furthermore, staff has incorporated a list of special Conditions of Approval that are recommended from the Long Beach Police Department to ensure proper maintenance and operation of the use.

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

Under a separate project, the grocery store has been approved for a renovation that includes a façade remodel, square footage demolition and the incorporation of new landscaping and hardscaping. The current project request does not include any new development (new square footage) and consists of the sale of beer, wine and distilled spirits for off-site consumption. The project does not meet the thresholds for green building standards and is not applicable.