

## **CONDITIONAL USE PERMIT FINDINGS**

**739 E. Anaheim Street  
App. No. 1806-23 (CUP18-016)  
Date: April 2, 2020**

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 project consists of a request for the sale of beer and wine for off-site consumption at a new grocery store of 18,508 square feet (20,848 gross square feet). The project site is approximately 3.48 acres and is developed with a commercial strip center consisting of four separate buildings totaling 45,165 square feet. The new 18,508-square-foot grocery store will be constructed as a part of a site renovation for the commercial strip center, along with façade remodels of remaining buildings.

The subject site has a General Plan Land Use PlaceType designation of Neighborhood Serving Center or Corridor Moderate Density (NSC-M) and within the CCA (Community Auto-Oriented Commercial) Zone. The CCA Zone is a commercial use district that permits retail and service uses for an entire community including convenience and comparison-shopping goods and associated services. Within the CCA Zone, the sale of beer and wine for off-site consumption at a grocery store requires 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 required findings of the Zoning Regulations. Approval of a Conditional Use Permit would allow for the sale of an additional product type within a grocery store that will also sale an assortment of other goods.

The PlaceType designation of NSC-M – Neighborhood Serving Center or Corridor Moderate Density encourages a variety of commercial uses to meet consumers' daily needs for goods and services, including but not limited to restaurants, cafes, retail shops, financial institutions, fitness centers and other daily conveniences within walking distance from residential uses. Furthermore, one of the citywide goals identified in the Land Use Element is to support neighborhood preservation and enhancement (Goal No. 4 of the Land Use Element). Under this goal, the City strives to provide amenities and enhance facilities to support the single-family neighborhoods. Proposed improvements include establishing commercial and retail uses on the periphery of neighborhoods or in commercial hubs to better serve residents and incorporating a variety of design enhancements and sustainable practices.

The proposed sale of beer and wine for off-site consumption will occur at a newly constructed grocery store, which is inclusive of a renovation to the commercial center on the subject site. This renovation supports Goal No. 4 of the Land Use Element by specifically addressing Strategy No. 10 – to “create complete neighborhoods with identifiable centers and a full range of supporting neighborhood-serving uses to meet the daily needs of residents.” In particular, LU Policy 10-2 sets out to “complete neighborhoods by allowing low-intensity commercial uses to locate along neighborhood edges, in transition areas and at key intersections.” The project site is bordered to the north and west by residential properties. The proposed renovation of the existing commercial strip, including the construction of the new grocery store will contribute to the site as a viable neighborhood-serving commercial center that is located in the immediate vicinity of residential properties. The inclusion of beer and wine sales will only serve as an accessory component to the general product sales within the new grocery store.

**2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY, 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 consist of an existing commercial strip center that will undergo a significant renovation to existing buildings as well as the construction of a new 18,508 square-foot grocery store. The proposed renovation is expected to positively impact the site by offering upgrades to architecture, parking lot striping, landscaping and the potential for new product and service offerings. The sale of beer and wine for off-site consumption at the new grocery store will not alter the fundamental operation of the site, which consist predominantly of retail uses. Furthermore, several conditions of approval are included and will give staff the authority to ensure that operations will not become detrimental to the community. These conditions include security measures to prevent nuisance behavior and loitering, monitoring of alcohol sales hours and the requirement for site and grocery store maintenance.

**3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52.**

Chapter 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 an existing commercial shopping center of 45,473 square feet of net building area, with 177 parking spaces. The site will be renovated to include the demolition of approximately 18,754 square feet of building area, façade remodels of existing buildings, and the construction of a

new 18,504 square-foot grocery store, with 2 additional parking spaces (from 177 to 179). The sale of beer and wine will be done within the premises of the new grocery store. The parking requirement for a grocery store is 4 spaces per 1,000 square feet of floor area, which equates to 84 spaces. Based on the overall reduction in net building area within the shopping center and the addition of 2 parking spaces, the parking ratio is going from 3.88 spaces per 1,000 square feet of floor area to 3.94 spaces. The grocery store will have access to 179 spaces shared amongst all of the businesses in the center, which far exceeds the requirement of 84 spaces.

**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 303, 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 52, while 108 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 5753.00, in which a maximum number of five establishments serving alcohol is recommended. As the census tract currently has no establishments with an ABC license, approval of the proposed license would not result in overconcentration. The shopping center in which the grocery store will be located has been approved for a major renovation and is expected to be well-maintained, based on several Conditions of Approval. 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 any negative impacts and will not result in 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.**

The project site is not located within 500 feet of any public school or public park. The nearest school is Polytechnic High School which is approximately 1,050 feet away and the nearest park is McBride Skate Plaza which is approximately 1,130 feet away.

- 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.**

The proposed request consists of the sale of beer and wine for off-site consumption at a newly constructed grocery store within an existing commercial center. The new grocery store was approved by the Site Plan Review Committee on May 27, 2020, as part of a renovation for the commercial center. As conditioned, the renovation is subject to the Green Building Standards of Section 21.45.400(i), pertaining canopy trees, bicycle parking, solar-ready roofing, and waste collection.