

## CONDITIONAL USE PERMIT FINDINGS

1340 E. 7<sup>th</sup> Street

App. No. 2104-09 (CUP21-004)

Date: September 16, 2021

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 applicant is requesting approval of a Conditional Use Permit (CUP) to permit the upgrading of an existing Type 20 – Off-Sale Beer and Wine license, to a Type 21 – Off-Sale General license, in conjunction with a 6,000-square-foot expansion in floor area of an existing grocery store. The subject site has a General Plan Land Use PlaceType designation of Neighborhood-Serving Centers and Corridors – Moderate (NSC-M) and is within the Community Auto-Oriented Commercial (CCA) Zoning District. The NSC-M PlaceType 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.

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. Improving access to wide range of uses, including 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 is consistent with and implements this and other General Plan goals.

The proposed sale of beer, wine and distilled spirits for off-site consumption will occur at a newly expanded grocery store, which has already been operational since 1990. The applicant proposes to expand the existing 14,470-square-foot grocery store by an additional 6,000 square-feet, incorporating the floor area of the adjacent tenant space which has been vacant for two years. This expansion 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 in all directions by residential properties. The proposed expansion of the existing grocery store, in conjunction with an upgraded ABC license, 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 distilled spirit sales will serve as an accessory component to the general product sales within the existing grocery store.

**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 subject site is a commercially zoned property on 7<sup>th</sup> Street, a major corridor in the City that is planned and zoned for commercial and mixed use development that provide for the daily shopping needs of nearby residents. The site has long been developed as a multi-tenant commercial shopping center housing a variety of commercial uses, including the subject grocery store which has existed at this location since 1990, with the incorporation of beer and wine sales dating back to 2014. The maintenance and expansion of the subject use and the proposed alcohol license to allow the sale of distilled spirits, in addition to the beer and wine currently sold, will continue to ensure that surrounding residential areas have access to shopping and services within close proximity, contributing to sustainable development patterns and enhanced quality of life for residents.. The Long Beach Police Department (LBPD) indicates that nine calls for service were reported for the existing grocery store from August 10, 2020 to August 10 2021. The LBPD has requested that certain conditions of approval be included to alleviate any concerns regarding nuisance behavior. These conditions include the requirement for a security guard at the premises during peak hours (2:00 pm – 6:00 pm), crime prevention signage installed throughout the grocery store, video surveillance camera installation, and adequate lighting of the parking lot. In addition to the LBPD-specific conditions, additional conditions include hours of operation, prohibition of loitering or queuing of patrons, general site cleanup and maintenance and noise control to ensure operations that is compatible with the surrounding area. The requested upgrade to the existing ABC license will not alter the integrity of the existing business and alcohol sales will continue to serve in an ancillary capacity to overall grocery store sales.

**3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USES, AS LISTED 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 previous use as to legal nonconforming rights.**

The project consists of a request to expand the floor area of an existing 14,470-square-foot grocery store by an additional 6,000 square-feet. After expansion, the grocery store will be 20,470-square-feet. The parking requirement for the proposed expansion is eighty-two spaces (20,470 s.f. x 0.004 = 81.88 spaces). As shown on the site plan, the project site includes 97 parking spaces. Therefore, parking is

provided for the expanded grocery store, equivalent to new construction. [The existing commercial strip and all of its tenants have operated with the current shared parking configuration since 1990. The combination of different retail uses and service-based uses such as laundromats and dance studios allow for varied peak hours. The existing commercial strip has operated without consequence of parking issues, based on the nature of varied peak hours of the typical multi-tenant commercial property.](#)

**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 project will provide night lighting and other security measures to the satisfaction of the Chief of Police. Security measures include security cameras, specific hours of operation, and prohibition of loitering and the employment of an on-site security guard during peak store hours.

**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 will be required to prevent loitering or any other nuisance activity in the allotted parking area. Failure to comply with this conditioned shall be grounds for consideration of permit revocation.

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

The Long Beach Police Department (LBPD) reports that the project site is within Census Tract 5765.02. The maximum recommended concentration of establishments with off-site alcohol sales in Census Tract 5765.02 is two. Currently, there are four ABC licenses with off-site sales within Census Tract 5765.02, which is already two above the ABC threshold. Although the project site is located within a Census Tract that is considered overconcentrated for off-site alcohol sales, the applicant is only proposing to upgrade their existing license. Project approval would not result in an increase in the number of establishments with off-site alcohol sales. The total number of existing establishments would remain unchanged.

The LBPD also reports that the project site is within Police Reporting District 361, which is not considered a high crime rate area. In 2020, the average number of “part 1” crimes (murder, manslaughter, robbery, aggravated assault, burglary, motor vehicle theft, arson, and sex offenses) committed throughout all Police Reporting Districts in the City of Long Beach was 97. The high-crime threshold is determined by taking the average number of crimes per Police Reporting District (97) and multiplying it by a coefficient of 1.2 (or 120%). Therefore, the high-crime threshold for 2020 was 116. By comparison, Police Reporting District 361 had 92 crimes reported.

- 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 a public school or public park. The closest school is Ben Franklin Classical Middle School, which is approximately 1,200 feet away from the project site. The closest public park is Craftsman Village Park, also approximately 1,200 feet away. Furthermore, with the proposed expansion of the grocery store, it now exceeds 20,000 square feet and, as a full grocery store, it sells a wide array of foods including fresh fruit, vegetables and meats.

**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**

This project does not include the development of any new building square footage and consists of the expansion of an existing grocery store into a vacant tenant space next door. This project does not trigger any thresholds for compliance with green building standards except as otherwise required by CalGreen and the building code.