

September 16, 2021

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach California

RECOMMENDATION:

Accept Categorical Exemption CE21-102 and approve Conditional Use Permit CUP21-004 to modify an existing Alcohol Beverage Control (ABC) Type 20 (Off-Sale Beer & Wine) License to allow the off-site sale of beer, wine, and distilled spirits (Type 21 license) in conjunction with a 6,000-square-foot expansion of the existing grocery store located at 1340 East. 7th Street in the Community Auto-Oriented Commercial (CCA) Zoning District. (District 2)

APPLICANT: Steve Rawlings for Grocery Outlet
26023 Jefferson Avenue, Suite D
Murrieta, CA 92562
(Application No. 2104-09)

DISCUSSION

Background

The site is located on the south side of 7th Street (1340 East 7th Street) between Almond Avenue and Nebraska Avenue (Attachment A - Vicinity Map). It has a current zoning designation of Community Auto-Oriented Commercial (CCA) and a General Plan PlaceType designation of Neighborhood-Serving Centers and Corridors – Moderate (NSC-M). The site (which comprises a portion of an existing commercial strip, shared with the contiguous parcel to the east) is approximately 62,900 square feet in size and is developed with a multi-tenant commercial building which includes a 14,470-square-foot grocery store, a vacant 6,000-square-foot tenant space, and a 1,900-square-foot dance studio. The contiguous parcel to the east (a portion of the commercial strip) includes an existing liquor store and laundromat within a separate building. The site also includes 97 parking spaces. Surrounding land uses are identified in Table 1 below.

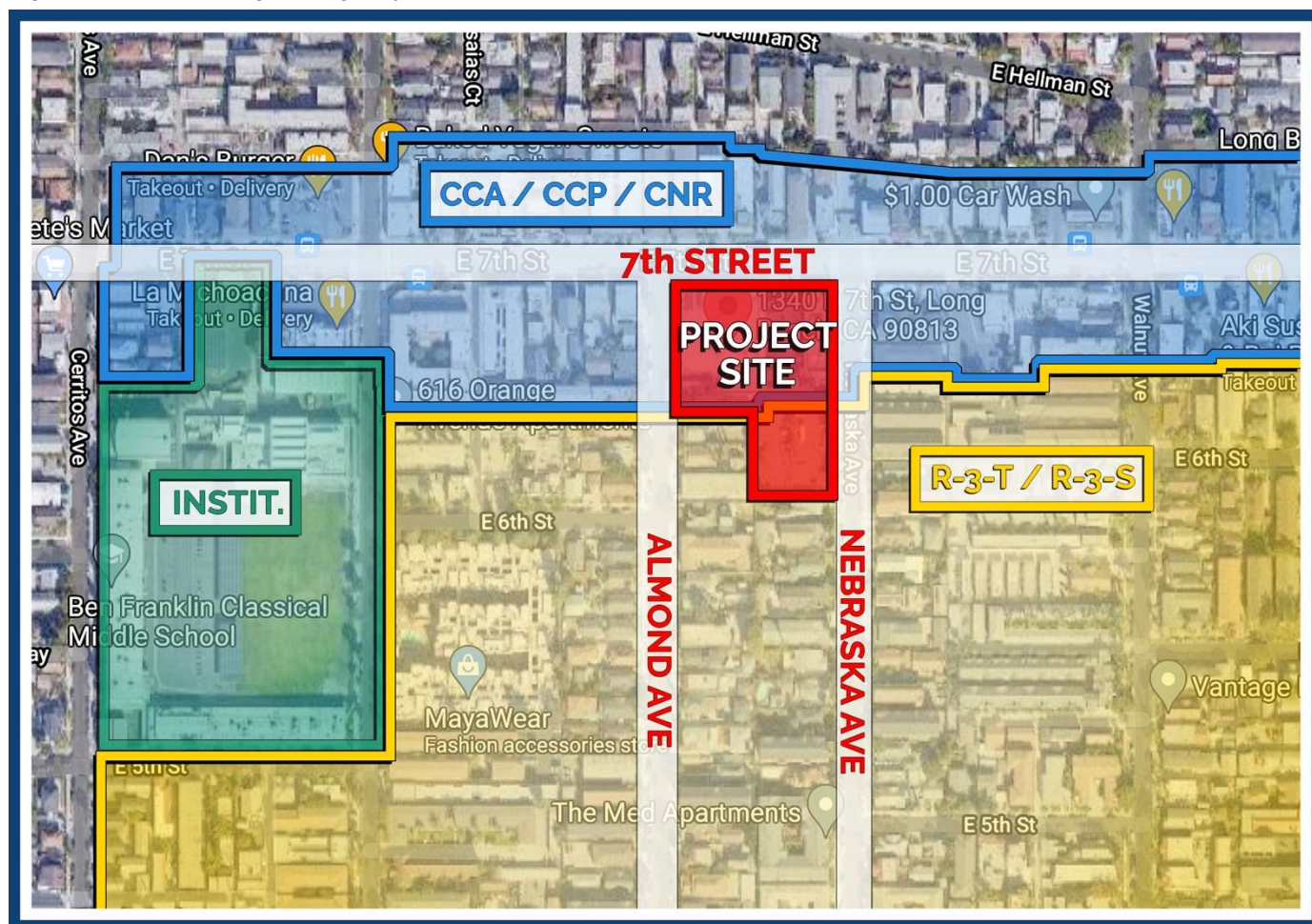


Table 1 – Adjacent Zoning and Land Uses

DIRECTION	ZONING	RIGHT-OF-WAY BOUNDARY	LAND USES
North	CNR	7 th Street	Residential
South	R-3-T	N/A	Residential
East	CCP	Nebraska Avenue	Residential
West	CNR	Almond Avenue	Residential

While the project site is predominantly surrounded by residential uses, properties in the vicinity have a variety of zoning designations, including commercial, mixed-use, and residential zoning. Figure 1 is a map of the project site and its surrounding zoning designations and streets.

Figure 1 – Surrounding Zoning Map



Project Proposal and Entitlements

The proposed project includes the upgrading of an existing California Department of Alcoholic Beverage Control (ABC) license of an existing 14,470-square-foot grocery store. On December 4, 2008, the Planning Commission approved a Conditional Use Permit (CUP) request for the sale of beer and wine for off-site consumption (Type 20 – Off-Sale Beer & Wine) at the project site, which was a Fresh & Easy market at that time. The current applicant, Grocery Outlet, is now requesting that the existing Type 20 license be upgraded to a Type 21 (Off-Sale General) license, for the sale of beer, wine, and distilled spirits for off-site consumption. In conjunction with the request for the upgraded ABC license, the applicant is proposing to expand the floor area of the existing grocery store. As shown on the floor plan, the grocery store would be expanded by 6,000 square-feet, combining the floor area of the adjacent tenant space that is currently vacant (Attachment B – Plans). The newly expanded grocery store will be 20,470 square-feet in area. Staff has determined that a CUP is required as a result of the modification to the alcohol license to include distilled spirits in addition to beer and wine and the resulting change in operations due to the expansion of the grocery store.

Conditional Use Permit Requirements

The City recognizes that certain types of land use, due to the nature of the use, require individual review. Such review shall determine whether the type of use proposed, or the location of that use, is compatible with surrounding uses, or, can be made compatible with surrounding uses, through the imposition of development conditions. CUPs are required for off-site alcohol sales at a commercial location within 500 feet of residential properties. Pursuant to Section 21.52.201 (Alcoholic beverage sales uses) CUP findings for alcohol sales require compliance with the following standards (Attachment C – CUP Findings):

- Parking shall be provided equivalent to the parking required for new construction regardless of nonconforming rights;
- Night lighting shall be provided, along with other security measures, to the satisfaction of the Chief of Police;
- The operator shall prevent loitering that would be a nuisance to adjacent uses and/or residential neighborhoods;
- The use shall not be in a reporting district that is overconcentrated with existing alcohol establishments;
- The use shall not be in a police reporting district with a high crime rate; and,
- The use shall not be located within five hundred feet of a public school or park.

With regard to parking requirements, the project includes a 6,000-square-foot expansion to an existing 14,470-square-foot grocery store. The parking requirement for the proposed use (equivalent to new construction) is eighty-two spaces ($20,470\text{-square-feet} \times 0.004 = 81.88$). As shown on the site plan, the project site includes 97 parking spaces accessible to the grocery store, shared amongst other businesses within the commercial strip, including a laundromat, liquor store and Zumba dance studio. 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. Although parking is shared among several tenants, parking is provided for the expanded grocery store, equivalent to new construction.

Additional findings state that a CUP for alcohol shall not be approved in a reporting district with an over concentration of on- or off-sale premises, as recommended by ABC; nor in a reporting district with a high crime rate as reported by the Long Beach Police Department (LBPD). As reported by the LBPD, the project site is located with Census Tract 5765.02, where up to two establishments are recommended for off-site alcohol sales, based on ABC criteria for population which establishes a threshold for overpopulation within a census tract (Attachment D - ABC Statistics). Currently, there are four ABC licenses for off-site alcohol sales, including the subject location, within Census Tract 5765.02, which is above the threshold.

Although the project site is located within a Census Tract that is considered overconcentrated for off-site alcohol sales, Staff does not anticipate any adverse impacts on the community resulting from the proposed request to modify an existing ABC license, as the existing grocery has been selling alcohol on site since 2008 and the modification to the alcohol license type of license and the expansion of the grocery store. The proposed CUP does not constitute a net increase in the total number of establishments with off-site alcohol sales within Census Tract 5765.02. The existence of the number of licenses (four establishments) will remain unchanged.

Table 2 lists the existing establishments in Census Tract 5765.02 that have ABC licenses for sale of alcohol for off-site consumption. It includes the establishment's address and proximity to the project site. Figure 1 includes a map showing the location of the existing establishments, in relation to the project site. Of the four establishments that have existing ABC-licenses for off-site alcohol sales (all within one quarter mile of the project site), two (including the project site) have a Type 20 License (Off-Sale Beer and Wine), and two have a Type 21 License (Off-Sale General).

Table 2 – Existing ABC Licenses in Census Tract 5765.02

	ESTABLISHMENT	ADDRESS	PROXIMITY TO PROJECT SITE
1	Grocery Outlet	1340 E. 7 th Street (Project Site)	N/A
2	Bourbon Street Liquor	1360 E. 7 th Street	87 Feet (0.02 Miles)
3	Bud Liquor Market	1298 E. 4 th Street	1278 Feet (0.24 Miles)
4	Beer King Market	1203 E. 4 th Street	1304 Feet (0.25 Miles)

Figure 1 – Map of Existing ABC Licenses in Census Tract 5765.02



The project site is located 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 percent). Therefore, the high-crime threshold for 2020 was 116. By comparison, Police Reporting District 361 had 92 crimes reported.

The proposed CUP will be subject to several conditions of approval, to ensure the subject grocery store will continue to operate in a manner that is compatible with the surrounding area. Some of the proposed conditions were recommended directly from LBPD and all aimed at protecting public health, safety and welfare (Attachment E - Conditions of Approval). These conditions include noise control, hours of operation, prohibition of loitering or queuing of patrons, and security measures. LBPD-specific conditions include the requirement for a security guard at the premises during the peak hours of 2:00 p.m. – 6:00 p.m., crime prevention signage installed throughout the grocery store, video surveillance camera installation, and adequate lighting of the parking lot. A condition allowing Development Services Staff the authority to periodically re-inspect the project site and monitor the use is also included among the conditions. As a part of the expansion of the existing grocery store into the adjacent tenant space, the applicant will be required to repaint the exterior of the vacant tenant space in which they will be expanding in order to match the color scheme of the grocery store and to have a unified and cohesive appearance. Furthermore, the applicant will be required to repair any dilapidation of the façade of the existing grocery and the vacant tenant space, as necessary. The off-site sale of beer, wine and distilled spirits is a common accessory use to grocery stores and supports General Plan policies that encourage neighborhoods

that contain a variety of functional attributes that contribute to resident's day-to-day living (General Plan LU Policy 10-1). Staff recommends that the Planning Commission approve the Conditional Use Permit, subject to Conditions of Approval.

PUBLIC HEARING NOTICE

A total of 1181 public hearing notices were distributed to a radius of 500 feet from the project site on September 2, 2021 to in accordance with the requirements of Long Beach Municipal Code (LBMC) Chapter 21.21. At the time of writing this report, no letters in opposition of the project have been received.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, this project is exempt per Section 15301 - Existing Facilities, as the project consists of the upgrading of an existing ABC license in conjunction with a 6,000-square-foot expansion of an existing grocery store from an existing neighboring commercial tenant space (CE21-102).

Quentin Jackson


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PATRICIA BIFFENDERFER

Christopher Koontz

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Attachments: Attachment A - Vicinity Map
Attachment B - Plans
Attachment C - CUP Findings
Attachment D - ABC Statistics
Attachment E - Conditions of Approval