

October 21, 2021

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemption CE21-096 and approve Conditional Use Permit CUP 21-015 to allow off-site alcohol sales in a deli market within an existing 1,075-square-foot commercial space located at 2938 Clark Avenue within the Neighborhood Automobile-Oriented (CNA) Zoning District. (District 5)

APPLICANT: Stephen Murray c/o Rawlings Consulting
26023 Jefferson Avenue Suite D
Murrieta, CA 92562
(Application No. 2107-27)

DISCUSSION

The site is located on the east side of Clark Avenue, between East 29th Street to the south and East Spring Street to the north within the Neighborhood Automobile-Oriented (CNA) Zoning District (Attachment A - Vicinity Map). The site has a Community Commercial (CC) General Plan Land Use Element PlaceType, which allows a wide range of local- and community-serving commercial uses. Surrounding uses include commercial offices to the west, a golf course to the northwest, and residences to the north, south and east. Property improvements include a 10,879-square-foot, multi-tenant commercial building with 37 off-street parking spaces (Attachment B - Site Photos).

The applicant is seeking approval of a Conditional Use Permit (CUP) to allow off-premises alcohol sales within a deli market. The Type 20 Alcoholic Beverage Control (ABC) license allows the sale of beer and wine for off-site consumption. The establishment will operate daily, Monday through Sunday from 8:00 a.m. to 10:00 p.m. (Attachment C - Operations Plan). The deli will offer a variety of food items and related culinary items, including local ceramics, cookbooks and gift baskets. The applicant plans to have a wine club and host bi-monthly food and wine events. These events are intended to be educational and no food or beverages will be consumed on site.



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The proposed establishment will occupy an existing 1,075-square-foot commercial space (Attachment D - Plans). Within the retail space, a total of 162 square feet (15 percent of total floor area) will be reserved for alcohol display. The remaining area will be split between the display of retail, food, gift baskets and back of house work area. The shopping center in which the proposed use is located currently has 37 off-street parking spaces. As this use is considered a retail establishment, a total of four (4) parking spaces is needed. Based on the existing mix of uses within the commercial center, including the four (4) required spaces for the subject use, a total of 37 off-street parking spaces is required. As such, the existing parking meets Zoning Code parking requirements.

In accordance with Long Beach Municipal Code (LBMC) Section 21.25.201 the purpose of a CUP is to allow the review of a proposed use to determine if it is compatible with the adjacent uses or can be made compatible with the surrounding uses, with the imposition of conditions. In addition, LBMC Section 21.52.201 establishes a number of conditions for projects that propose alcohol beverage sales that require a CUP. Conditions include requirements for compliance with parking, that there not be an overconcentration of alcohol licenses within a Census Tract, and that the use not be in a reporting district with a high crime rate as reported by the Long Beach Police Department (LBPD) (Attachment D - Findings). LBMC Section 21.25.100 allows a waiver of these conditions subject to written findings.

According to the ABC License Report, the subject property is within Census Tract 5742.01, which allows for a maximum of one (1) off-site alcohol license. There is currently one (1) Type 20 (Beer and Wine) license for off-premises sales within this census tract (Attachment E - ABC Stats). Adding a second off-sales alcohol license at this location will contribute to the over concentration of off-site sales within the census tract. However, as it relates to the subject project, the primary use is a deli market and the sale of alcohol is a secondary accessory use. As such, the proposed project is not adding an establishment whose primary business involves the sale of alcohol, such as a bar or a liquor store. The proposed primary and accessory use improves nearby residents' access to a variety of goods and services, consistent with General Plan-Strategy No. 10 (Land Use Element page 118) – to “create complete neighborhoods with identifiable centers and a full range of supporting neighborhood-serving uses to meet the daily needs of residents.” As conditioned, the proposed accessory use is not anticipated to have the negative impacts that can sometimes be associated with alcohol sales. The recommended conditions of approval are intended to ensure the use operates in a manner compatible with the surrounding area. Such proposed conditions include a maximum floor area of 162 square feet for off-premise alcoholic beverage sales to ensure that the sale of alcohol remains accessory to the main use of the retail business and mandatory staff training to ensure that staff are adequately trained to address any issues that might arise in association with the sale of alcohol (Attachment F - Conditions of Approval).

Also, the site is located within Police Reporting District 641 within the East Division, which is not designated as a high crime area. LBPD has reviewed the CUP request for this location and has no objection to its approval. Although the location is not within a high crime area conditions pertaining to lighting and security have been included to maintain the safe conditions within the

surrounding community. Additionally, the site is not located within 500 feet of a public school a public park (Attachment G - Findings).

Furthermore, the site will be equipped with a surveillance system, which will include five to 10 cameras on the property to deter criminal activity and promote safety. The proposed CUP for the off-site sale of beer and wine at this location will not cause substantial adverse effects on the neighboring land uses or the community at large. Therefore, staff recommends that the Planning Commission approved the CUP, subject to conditions of approval.

PUBLIC HEARING NOTICE

A total of 157 Public Hearing notices were distributed on October 4, 2021, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code. No comments were received at the time the report was prepared.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA) this project is eligible for a categorical exemption per Section 15301 (Existing Facilities) as the project consists of the sale of alcohol products within an existing commercial building.

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Respectfully submitted,



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PROJECT PLANNER



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CURRENT PLANNING OFFICER



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PLANNING BUREAU MANAGER



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Attachments:

- Attachment A - Vicinity Map
- Attachment B - Photos
- Attachment C - Plans
- Attachment D - Operation Plan
- Attachment E - ABC Stats
- Attachment F - Conditions of Approval
- Attachment G - Findings