



Legislation Text

File #: 12-0230, **Version:** 2

Recommendation to receive the supporting documentation into the record, conclude the hearing, consider the appeal by applicant, Joyce Frazier, and either:

- (1) Uphold the decision of the Planning Commission to deny a Conditional Use Permit request for the sale of beer and wine for off-site consumption (Type 20 license) at an existing convenience store located at 1030 East Pacific Coast Highway within the Commercial Highway zone; or
- (2) Approve the Conditional Use Permit request for the sale of beer and wine for off-site consumption (Type 20 license) at an existing convenience store located at 1030 East Pacific Coast Highway within the Commercial Highway zone.
(District 6)

An application for a Conditional Use Permit (CUP) was received on February 22, 2012 for the sale of beer and wine for off-site consumption (Type 20 license) at an existing convenience store located at 1030 East Pacific Coast Highway. The subject site is located within the Commercial Highway (CHW) zone and is developed with a total building area of 3,500 square feet, along with 14 parking spaces (Exhibit A - Plans & Photographs).

On May 17, 2012, planning staff recommended approval of the CUP application to the Planning Commission. After taking public testimony and discussing the proposed application in detail, the Planning Commission voted unanimously to overturn staff's recommendation, directed staff to prepare findings for denial of the CUP, and continued the request to the June 7, 2012 Planning Commission hearing. At the June 7, 2012 Planning Commission hearing, after additional public testimony and discussion, the Planning Commission voted unanimously to deny the CUP request, in part because the proposed use was within 500 feet of the Long Beach Polytechnic High School administrative building. The Planning Commission decision was appealed on June 12, 2012 (Exhibit B - Appeal). The Appellant contends that the use would be appropriate for the area.

Any time a decision of the Planning Commission is appealed to the City Council, staff is required to provide the City Council with the Planning Commission's decision on the matter. The Planning Commission's decision to deny the CUP and the findings supporting that decision are attached provided herein (Exhibit C - Denial Findings). Conversely, should the City Council wish to overturn the decision of the Planning Commission and sustain the appeal, staff has prepared the appropriate findings for such a decision based on staff's original recommendation (Exhibit D). This will provide the City Council flexibility to either uphold the Planning Commission's decision to deny the request, or overturn the decision and uphold planning staff's recommendation for approval.

This matter was reviewed by Assistant City Attorney Michael Mais on June 29, 2012 and by Budget Management Officer Victoria Bell on July 3, 2012.

The Municipal Code requires City Council action within 60 days of receiving an application for appeal. The subject appeal was received on June 12, 2012.

There is no fiscal impact and no job impact as a result of the recommended action.

Approve recommendation.

Amy J. Bodek, AICP
Director of Development Services

APPROVED:

PATRICK H. WEST
CITY MANAGER