



## Legislation Details (With Text)

<b>File #:</b>	15-0214	<b>Version:</b>	1	<b>Name:</b>	DS - CUP Appeal at 5740 Atlantic D8
<b>Type:</b>	Public Hearing	<b>Status:</b>	Denied		
<b>File created:</b>	2/26/2015	<b>In control:</b>	City Council		
<b>On agenda:</b>	3/24/2015	<b>Final action:</b>	3/24/2015		
<b>Title:</b>	Recommendation to receive supporting documentation into the record, conclude the public hearing, consider the appeals from Laurie Angel and Chuck Fowler, and uphold the decision of the Planning Commission to approve a Categorical Exemption (CE 14-114) and Conditional Use Permit to allow the sale of beer and wine for off-site consumption at an existing gas station convenience store located at 5740 Atlantic Avenue in the Commercial Neighborhood Pedestrian (CNP) zoning district. (District 8)				
<b>Sponsors:</b>	Development Services				
<b>Indexes:</b>	Conditional Use Permit				
<b>Code sections:</b>					
<b>Attachments:</b>	1. 032415-H-1sr&att.pdf, 2. 032415-H-1 Corresp. Algera.pdf, 3. 032415-H-1 Corresp. Angel.pdf, 4. 032415-H-1 Corresp. Councilman Austin.pdf, 5. 032415-H-1 Corresp. Mounce.pdf				

Date	Ver.	Action By	Action	Result
3/24/2015	1	City Council	denied	Pass

Recommendation to receive supporting documentation into the record, conclude the public hearing, consider the appeals from Laurie Angel and Chuck Fowler, and uphold the decision of the Planning Commission to approve a Categorical Exemption (CE 14-114) and Conditional Use Permit to allow the sale of beer and wine for off-site consumption at an existing gas station convenience store located at 5740 Atlantic Avenue in the Commercial Neighborhood Pedestrian (CNP) zoning district. (District 8)

On January 15, 2015, the City Planning Commission conducted a public hearing on a Conditional Use Permit request to allow the sale of beer and wine for off-site consumption (under an ABC Type 20 license) at an existing gas station convenience store. (Exhibit A - Plans and Photographs). After considering staff's findings and testimony from the public and applicant, the Planning Commission received the supporting documentation into the record, concluded the hearing, and voted 3-1 to accept the Categorical Exemption (CE 14-114) (Exhibit B - Categorical Exemption) and approve the Conditional Use Permit, subject to conditions (Exhibit C - Findings and Conditions of Approval). An appeal of the Planning Commission's approval action was filed on January 23, 2015, within the 10-day appeal period (Exhibit D - Application for Appeal). The appellants cite three reasons for the appeal filing: the project site's location within a designated high crime area; the concentration of alcohol sales uses in proximity to the project site; and the project site's location at a major school-travel intersection. Staff recommends that the City Council deny the appeal and uphold the Planning Commission's decision.

The subject site consists of a 12,813-square-foot parcel located at the southeast corner of Atlantic Avenue and South Street in the Commercial Neighborhood Pedestrian (CNP) zoning district (Exhibit E- Location Map). The site is currently developed with a two-canopy gas station, an accessory 1,700-square-foot convenience store, and five on-site parking stalls. The applicant is seeking approval of a Conditional Use Permit (CUP) that would grant the convenience store beer and wine sales privileges for off-site customer consumption.

The convenience store has been in operation at the site since 2001. The property owner recently purchased a Type 20 beer and wine license from a stand-alone market located two blocks south, at 5498 Linden Avenue, in an adjacent census tract. This license, if introduced to the census tract of the subject site, would not result in an overconcentration of off-site licenses according to figures provided to us by the California Department of Alcohol Beverage Control (ABC) (Exhibit F - Map of Existing ABC Licenses).

The site also conforms to the City's 500-foot public school and public park buffer for new alcohol-sales uses. The nearest school, Lindbergh Middle School, is located approximately 2,050 feet from the site, and the nearest public park, Houghton Park, is located approximately 2,800 feet away.

According to Long Beach Police Department (LBPD) staff, the subject site is located within a high crime reporting district. LBPD staff, however, stated no objection to the request for alcohol sales at the site; instead, they've provided staff with a number of conditions of approval intended to mitigate potential negative impacts associated with the introduction of the alcohol sales use. These conditions, incorporated in full, cover sales restrictions, site security, and general nuisance abatement. With these operational conditions incorporated, staff believes the proposed CUP for Type 20 alcohol sales at the subject site will not cause substantial adverse affects on surrounding land uses or the community at large.

This matter was reviewed by Deputy City Attorney Amy Webber on March 3, 2015 and by Budget Management Officer Victoria Bell on February 26, 2015.

Section 21.21.504 of the Long Beach Municipal Code requires City Council action within 60 days of receiving an application for appeal. In order to comply with this requirement, the item must be heard prior to March 24, 2015.

There is no fiscal or local 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