



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 WEST OCEAN BOULEVARD

LONG BEACH, CALIFORNIA 90802

(562) 570-6194

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September 3, 2009

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Approve a Conditional Use Permit to allow the sale of beer and wine for off-site consumption (Type 20 License) in conjunction with a service station/food mart located at 700 Redondo Avenue in the CNR zone. (District 3)

APPLICANT: Bahram Kasravi
700 Redondo Avenue
Long Beach, CA 90804
(Application No. 0906-19)

DISCUSSION

The subject site is located at 700 Redondo Avenue between 7th and 8th Street (Exhibit A – Location Map). The size of the lot is 24,395 square feet and is developed with a 3,069-square-foot service station and convenience store (Exhibit B – Plans & Photos).

The applicant is seeking approval for a Type 20 License allowing the sale of beer and wine for off-site consumption. All Conditional Use Permit applications for the sale of alcoholic beverages are reviewed to ensure the number of existing alcohol licenses within the Census Tract of subject site, as well as the total number of reported crimes in the subject Police Reporting District, are consistent with established limits. The Department of Alcoholic Beverage Control recommends a maximum of five alcohol licenses for the area, and three currently exist. Therefore, approval of the CUP request would not create an overconcentration of establishments within the given Census Tract.

Furthermore, the subject site is not located within a high crime area as the total number of offenses in Reporting District 544 is 92. When a reporting district has exceeded 198 total offenses, it is considered to be a high crime area. Conditions of Approval are incorporated to ensure proper security measures are provided to the satisfaction of the Chief of Police (Exhibit C – Findings & Conditions).

The zoning regulations also require compliance with current parking regulations, regardless of any legally nonconforming status. Per zoning code section 21.41.216, the parking requirement for the established service station/convenience store is fifteen spaces. The subject site has fifteen parking spaces and complies with current code.

Staff believes that approval of beer and wine sales at the subject site will not have any adverse impacts upon the community in which it serves, and recommends that the Planning Commission approve the Conditional Use Permit request, subject to conditions.

PUBLIC HEARING NOTICE

Public hearing notices were distributed on August 17, 2009, as required by the Long Beach Municipal Code, and no responses were received.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 09-044) was prepared for the proposed project (Exhibit D).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Beck', with a long horizontal line extending to the right.

CRAIG BECK
DIRECTOR OF DEVELOPMENT SERVICES

CB:DB:CJ

Exhibits

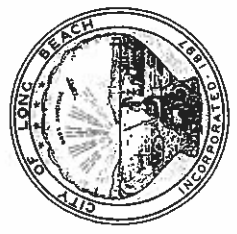
- A. Location Map
- B. Plans
- C. Findings and Conditions of Approval
- D. Categorical Exemption CE 09-044



Exhibit A



Subject Property:
 700 Redondo Ave
 Application No. 0906-19
 Council District 3
 Zoning Code : CCP, CNR



CONDITIONAL USE PERMIT FINDINGS

700 Redondo Avenue

Case No. 0906-19

September 3, 2009

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 subject site is located in Land Use District #8N (Shopping Nodes) and the CNR (Neighborhood Commercial and Residential District) zone. The CNR zone allows the off-site sale of beer and wine subject to the approval of a Conditional Use Permit. A Conditional Use Permit is consistent when it carries out the intent of the land use district in which it is located, and otherwise complies with the required findings of the Zoning Regulations.

The Land Use Element designation of LUD #8N is intended to accommodate retail and service uses exclusively, primarily in small clusters. It is widely dispersed in the form of numerous clusters of neighborhood-serving centers for the retail needs of residents of Long Beach. The subject site has an existing retail convenience store. The proposal for the sale of off-site beer and wine in conjunction with the existing store is consistent with the General Plan as a retail use that serves the neighborhood.

- 2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY, GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND**

In accordance with the California Environment Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE 09-044) was prepared for this project and is attached for your review.

The proposed sale of off-site beer and wine at the existing convenience store is not expected to be detrimental to the surrounding community. No physical expansion to the building is proposed and conditions of approval are included to ensure the mitigation of any negative impacts. Conditions include hours of operation, compliance with the City's Noise Ordinance, and security measures meeting the satisfaction of the Chief of Police.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52.

In addition to the above general findings, the following specific conditions pursuant to Zoning Code Section 21.52.201 apply to alcoholic beverage sales use:

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 existing service station/convenience store is 3,069 square feet. Per zoning code section 21.41.216, parking for a service station is one (1) space per pump island, plus four (4) spaces per 1,000 square feet of floor area. The current establishment has 2 pump islands and therefore, the parking requirement is a total of fifteen (15) spaces. The subject site has fifteen (15) parking spaces and conforms to current code.

B. The operator of the use shall provide night lighting and other security measures to the satisfaction of the Chief of Police.

The requirement for night lighting and security measures has been incorporated as a condition of approval for the proposed project (condition #7).

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.

This requirement has been incorporated as a condition of approval for the proposed project (condition #13).

D. The use shall not be in a reporting district with more than the recommended maximum concentration of the applicable on or off-premise sales use, as recommended by the Long Beach Police Department, except: (1) locations in the greater downtown area; or (2) stores of more than 20,000 square feet floor area, and also providing fresh fruit, vegetables, and meat, in addition to canned goods.

The project site is located in Census Tract 5770, in which a maximum of five (5) establishments is recommended by the Department of Alcoholic Beverage Control. Approval of the proposed sale of off-site beer and wine would result in the 4th establishment of alcohol sales in the Census Tract. The subject site is located in Crime Reporting District 544, which is not considered a high-crime area. Conditions have been incorporated to require the applicant to provide the appropriate security measures, to the satisfaction of the Chief of

Police. Staff believes that the proposed sale of off-site beer and wine will not be detrimental to the surrounding area because it will be in conjunction with an existing service station and convenience store.

- 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 subject is not located within 500 feet of a public school or public park.

**CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL**

700 Redondo Avenue

Application No. 0906-19

Date: September 3, 2009

1. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written request approved by the Zoning Administrator, submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
2. The use permitted on the subject site, in addition to other uses permitted in the CNR zone, shall be the off-site sale of beer and wine (Type 20 License) in conjunction with an existing service station / convenience store located at 700 Redondo Avenue.
3. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.

Special Conditions:

4. The subject location shall be maintained as a service station/convenience store consistent with plans submitted with the proposal. Any change in the operation shall be reviewed by the Director of Development Services to ensure compliance with this approval. Any major modifications, including expansion of the convenience store area, shall be reviewed by the Planning Commission.
5. Off-premise liquor sales shall end at 11:00 P.M. daily
6. The sale of malt liquor beer, fortified wines, and single bottles or cans of beer shall be prohibited.
7. The operator of the use shall provide night (exterior) lighting and other security measures to the satisfaction of the Chief of Police.

Standard Conditions:

8. This approved land use is required to comply with these Conditions of Approval as long as the use is on the subject site. As such, the site shall be available for periodic re-inspections, conducted at the discretion of City officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by the City Council.
9. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
10. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
11. All conditions of approval must be printed verbatim on all plans submitted for plan review to Long Beach Development Services. These conditions must be printed on the site plan or a subsequent reference page.
12. Site development, including landscaping, shall conform to the approved plans on file with Long Beach Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
13. The operator of the approved use shall prevent loitering and loud noises around the project site, and in all parking areas serving the use during and after hours of operation. Failure to comply with this condition shall be grounds for permit revocation. If loitering and/or noise problems develop, the Director of Development Services may require additional preventative measures such as, but not limited to, additional lighting, private security guards and/or alteration of business hours.
14. Any graffiti found on site must be removed within 24 hours of its appearance.
15. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
16. Separate building permits shall be required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations, as applicable.

17. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
18. The Director of Long Beach Development Services is authorized to make minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Planning Commission.
19. Exterior security bars, scissor gates, and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
20. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.



CITY OF LONG BEACH NOTICE OF EXEMPTION

DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbs.longbeach.gov

TO: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 09-044

Project Location/Address: 700 REDONDO LONG BEACH CA 90804

Project/Activity Description: EXTRA MILE CHEVRON
Alcohol sales in existing gas station

Public Agency Approving Project: **City of Long Beach, Los Angeles County, California**

Applicant Name: BAHRAM KASRAVI

Mailing Address: 700 REDONDO LONG BEACH CA 90804

Phone Number: (562) 899-3692 Applicant Signature: Bahram Kasravi

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: _____ Planner's Initials: _____

Required Permits: _____

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH
STATE GUIDELINES SECTION 15301, Class 1, Existing Facilities

Statement of support for this finding: Minor alterations to existing land use.

Contact Person: Craig Chaffant

Contact Phone: 562-570-6368

Signature: [Signature]

Date: 8/17/09

