



# CITY OF LONG BEACH

## THE CITY PLANNING COMMISSION

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December 7, 2004

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

SUBJECT: Hearing to Consider an Appeal of the Approval of a Conditional Use Permit to Allow the Sale of Beer and Wine From a Convenience Store Located at 3410 Long Beach Boulevard (Case No. 0408-05) (District 7)

### DISCUSSION

On October 21, 2004, the Planning Commission conducted a public hearing to consider an application for a Conditional Use Permit to allow the sales of beer and wine in conjunction with the operation of a 7-Eleven retail convenience store in a newly constructed retail strip center (see Planning Commission staff report and minutes, Attachment 1). The subject site is located at 3410 Long Beach Boulevard, at the northeast corner of Long Beach Boulevard and Wardlow Road. The applicant is proposing to occupy a 2,106-square foot tenant space located at the northwestern-most corner of the center (see Site Plan, Attachment 2).

One hundred sixty-five letters were received in opposition to the project, and five individuals spoke against the project at the hearing. Their concerns focused on the impact the project would have on the quality of life in the surrounding neighborhood, including negative impacts on public safety such as panhandling, loitering, additional litter and debris, and increased traffic congestion.

In response to the public testimony, the Planning Commission reviewed the operational conditions of approval that were recommended, including a limitation on the hours of operation, the "interactive security program" proposed by the applicant that involves two-way speakers and cameras that put the business operators in direct contact with Westec Security, the prohibition of sale of individual cans of beer or bottles of wine, and other restrictions. The Commission also addressed whether the site is located in a high crime reporting district, and whether the new license will constitute over-concentration. The district experienced 107 total offenses during 2003 (a high-crime district is defined as having at least 212 offenses annually). With regard to license concentration, the Department of Alcoholic Beverage Control established that a maximum of three licenses would be allowed based on population. There are currently two active licenses in the census tract. Therefore, the addition of a third license would not constitute over-concentration. In view of these mitigating factors, and considering the imposition of the operational conditions of approval, Commissioner Greenberg moved to approve the project. This motion was seconded by Commissioner Winn and the motion passed 5-1 (Commissioner Sramek voted against the motion, and Commissioner Rouse was absent).

Fourteen appeals were subsequently filed between October 22 and October 28, 2004 (Attachment 3). The appellants and the reasons for filing their appeals are listed below. Letters in opposition to the project received prior and up to the preparation of this report are attached (Attachment 4).

1. John Deats, 3600 Pacific Avenue, stated that the sale of beer and wine at this critical gateway intersection will have adverse impacts on public safety and quality of life.
2. Donna Reese, 727 E. 36th Street, stated that a definite decrease in quality of life and public safety would be created with the approval of the license.
3. Richard L. Ivey, 242 East Bixby Road, stated that, "Beer and wine sales at this intersection would adversely affect our neighborhood, quality of life, and public safety."
4. Christine B. Stangeland, 3423 Orange Avenue, stated that the sale of beer and wine at this intersection will have adverse impacts on the quality of life and public safety in the adjacent neighborhood.
5. Michael Kowal, 3756 Pine Avenue, stated that beer and wine sales at this location would cause adverse impacts in public safety and quality of life for local residents.
6. Phil Trani, 3490 Long Beach Boulevard, stated that there is an existing 7-11 convenience store three blocks away where panhandling and underage liquor sales take place.
7. Jay Attiyah, 3580 Long Beach Boulevard, stated that the sale of alcohol would have adverse impacts on public safety and quality of life.
8. Sam Asker, 4446 Linden Avenue, stated that the sale of any alcohol at the location would adversely affect the public safety and the quality of life.
9. John Allen Royce and Kent M. Lockart, 3601 Olive Avenue, stated that the sale of beer and wine currently occurs at many locations in the area and more such sales are not in the best interest of our safety or quality of life.
10. Albert Guerra, 900 E. 36th Street, stated that the sale of beer and wine adds to the reduction of quality of life for residents near the store, and also creates safety concerns based on the location. He further added that no additional alcohol sales locations are needed to the existing density of other locations, and expresses a concern that check cashing will be added to the location.
11. Charles H. Parks, 3720 Pacific Avenue, stated that there would be a negative impact on public safety and overall quality of life.
12. Paul G. Crawford, 3734 Pacific Avenue, stated that there are too many liquor sales outlets already in the Bixby Knolls area, and added another would seriously

denigrate the public safety, quality of residential life, and be a hazard to freeway drivers due to the location of a nearby on-ramp.

13. Dorothy Manuela Ivey, 242 East Bixby Road, stated that the sale of beer and wine will have adverse impacts on public safety and quality of life.
14. Edith A. Pearl, 3556 Pacific Avenue, stated that there are already too many locations currently selling alcoholic beverages, and that the proposed use will encourage loitering and panhandling and add to criminal activities in the area.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 04-106) was issued on August 6, 2004 under a Class 1 exemption (CEQA Guideline Section 15301).

Assistant City Attorney Mike Mais reviewed this report on November 24, 2004.

#### TIMING CONSIDERATIONS

The Long Beach Municipal Code requires that the Planning Commission's decision be heard within sixty (60) days of the date of filing of the appeal or no later than December 21, 2004.

#### FISCAL IMPACT

None.

#### IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive the supporting documentation into the record, conclude the hearing, overrule the appeal, sustain the decision of the City Planning Commission and approve the Conditional Use Permit

Respectfully submitted,

MORTON STUHLBARG, CHAIR  
CITY PLANNING COMMISSION

BY:



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FADY MATTAR  
ACTING DIRECTOR OF PLANNING AND BUILDING

#### Attachments:

1. Planning Commission staff report and minutes of October 21, 2004
2. Site Plan
3. Appeal Forms
4. Letters in opposition