

# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

June 4, 2015

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

**RECOMMENDATION:**

Approve a Conditional Use Permit (CUP) request to allow the sale of beer and wine for off-site consumption (Type 20 License) and accept Categorical Exemption 14-168 for a new 1,800-square-foot convenience store located at 1410 W. Pacific Coast Highway within the General Industrial (IG) zone. (District 1)

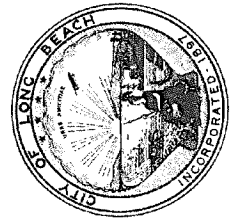
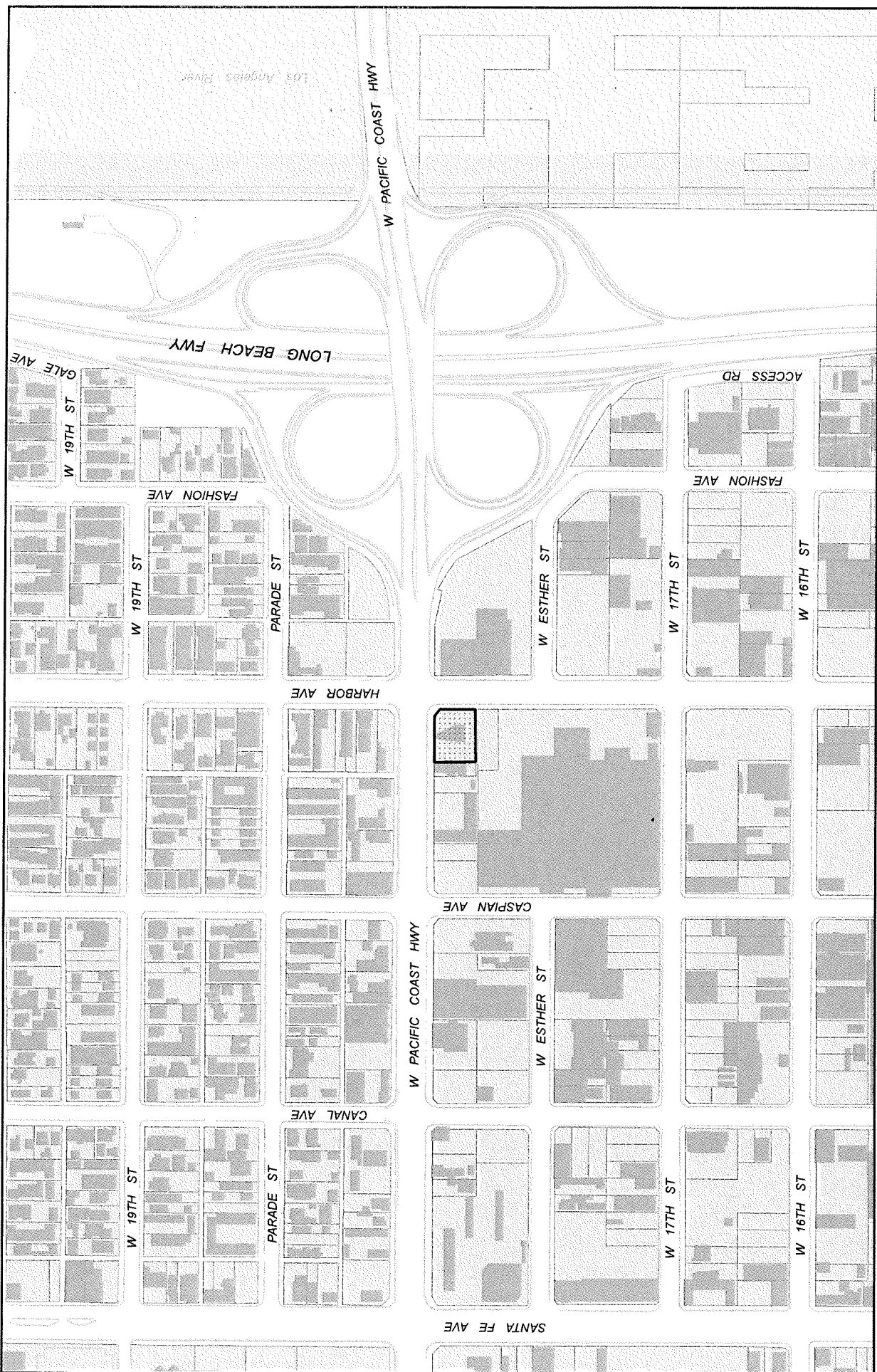
APPLICANT: Andrew Paszterko  
2055 N. Alvarado Street  
Los Angeles, CA 90039  
(Application 1412-44)

**DISCUSSION**

The subject site is located at 1410 W. Pacific Coast Highway at the southwest corner of Harbor Avenue and Pacific Coast Highway (Exhibit A – Location Map). The site is located within the General Industrial (IG) zone and is more than 500 feet from any school or park. It is currently developed with a 400-square-foot convenience store and a Union 76 gas station with four parking spaces under the existing gas pump canopy (Exhibit B – Plans & Photographs). The applicant is planning to demolish the existing convenience store and construct a new 1,800-square-foot convenience store with eight parking spaces. The surrounding properties are generally developed with commercial, general office, and industrial service-related uses. The applicant is seeking approval for a Type 20 alcohol license that would allow the proposed convenience store to sell beer and wine for off-site consumption. No other changes to the operation of the store are proposed.

The existing gas station and convenience store have operated at the subject site since 1953 with no reports of negative impacts to the neighborhood. The Long Beach Police Department (LBPD) has reviewed the request and has no objection to approval. Staff has evaluated the number of existing alcohol licenses in the subject census tract, as well as the number of reported crimes in the subject Police Reporting District. The zoning regulations require that the use not be in a reporting district with an over concentration of ABC licenses, determined by the California Department of Alcoholic Beverage Control (ABC), and that the use shall not be in a reporting district with a high crime rate as reported by the LBPD. The project is not located in a high crime area per LBPD; however, it is in an over concentrated district for off-site alcohol sales. In the subject census tract (5755.00), zero licenses for off-site alcohol sales are allowed; there are currently four active. Although the subject census





**Subject Property:**  
 1410 W Pacific Coast Hwy  
 Application No. 1412-44  
 Council District 1  
 Zoning Code : IG

**Exhibit A**



## **CONDITIONAL USE PERMIT FINDINGS**

**1410 W. Pacific Coast Highway**

**Application No. 1412-44**

**June 4, 2015**

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 project site is located in Land Use District #9G – Traditional Industrial District. LUD #9G is intended to accommodate industrial uses as well as restaurants, retail, services and offices complementary to local industry. The existing gas station as well as the proposed 1,800-square-foot convenience store are consistent with the requirements of this district; therefore the principal use of the site is consistent with the General Plan. No specific plan applies to the subject site. The request to allow the sale of beer and wine for off-site consumption at an existing gas station with a new convenience store is consistent with requirements of the plan. The project is consistent with the zoning regulations of the IG zoning district, as the off-site sale of alcoholic beverages at an existing gas station is allowed through the Conditional Use Permit process in this district.

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

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE 14-168) was prepared for this project and is attached for your review.

The proposed sale of beer and wine for off-site consumption at an existing gas station with a proposed 1,800-square-foot convenience store is not expected to be detrimental to the surrounding community. Conditions of approval are included to ensure the mitigation of any negative impacts associated with the operation of the proposed project. Conditions include prevention of nuisances and loitering.

- 3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USES, AS LISTED IN CHAPTER 21.52.**

Section 21.52.210 states that the following conditions shall apply to all alcoholic beverages sales uses requiring a Conditional Use Permit:

- 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 gas station has a total of four parking spaces for the four existing gas pumps that are currently on site under the existing canopy. Per zoning code section 21.41.216, parking for retail is required at four spaces per 1,000 square feet of floor area. The proposed 1,800-square-foot convenience store will provide eight parking spaces for retail and four spaces for the gas pumps therefore it will conform 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.**

Staff consulted with the Long Beach Police Department on this application. The LBPD had no objections to the request provided that they incorporate conditions of approval that require security cameras and the limitation on operational hours of alcohol sales.

- 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.**

Condition of Approval #23 will require the operator to prevent loitering and other related nuisances.

- 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 of floor area, and also providing fresh fruit, vegetables, and meat, in addition to canned goods.**

In consideration of a Conditional Use Permit application for the sale of alcoholic beverages, staff evaluates the number of existing alcohol licenses in the subject Census Tract as well as the total number of reported crimes in the subject Police Reporting District. Section 21.52.210 of the zoning regulations requires that the use shall not be in a reporting district with an over-concentration of alcohol sales, as recommended by the California Department of Alcoholic Beverage Control (ABC), and that the use shall not be in a reporting district with a high crime rate as reported by the Long Beach Police Department. The project is not located in a high crime area per LBPD; however it is in an over-concentrated district for off-site alcohol sales. In the subject census tract (5755.00), zero licenses for off-site alcohol sales are allowed and there are four currently active. This request will not contribute to an undue concentration of off-site alcohol licenses in the community. It is important to note that this census tract (5755.00)

is located entirely south of Pacific Coast Highway and does not have any residential housing or residential occupants within the tract. Staff consulted with the LBPD for this application and they expressed no opposition to approval of this permit provided that they incorporate security measures. Therefore staff is requesting Planning Commission waive this finding.

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

## **CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL**

**1410 W. Pacific Coast highway**

**Application No. 1412-44**

**Date: June 4, 2015**

1. The use permitted on the subject site, in addition to the other uses permitted in the IG zoning district, shall be to allow the sale of beer and wine for off-site consumption (Type 20 License) to a proposed convenience store located at 1410 W. Pacific Coast Highway.
2. 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 and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
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 Acknowledgement 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).

### **Special Conditions:**

4. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
5. The windows of the store shall be maintained free of signage or other obstructions in excess of 10 percent of each window area. Window signs displaying prices shall be prohibited.
6. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.
7. Installation of any exterior newsstands and vending machines shall be prohibited.
8. Video or coin operated games and the like shall be prohibited on site so as to discourage loitering on the premises.
9. The permittee shall maintain full compliance with all applicable laws, ABC

laws, ordinances and stated conditions. In the event of a conflict between the requirements of this permit, Conditional Use Permit, or Alcoholic Beverage Control license, the more stringent regulation shall apply.

10. Beer and wine sales shall be limited to two coolers and shall not be expanded.
11. If the owner wishes to upgrade the existing alcohol license, such as beer, wine, and distilled spirits, they will be required to apply for a new Conditional Use Permit.
12. No alcoholic beverages shall be consumed on the property, or on adjacent properties under control of the licensee.
13. No sales to any person appearing to be or actually being intoxicated shall be allowed.
14. All sales of alcohol shall be directly supervised by an authorized employee of the licensee, aged at least 21 years, including inspection of identification to verify age of purchaser, and observation of purchaser to ensure no sales to intoxicated persons.
15. No beer or malt beverages shall be sold, regardless of container size, in packages of less than three per sale.
16. The convenience store shall provide an assortment of "Healthy Food" products at all times.
17. No single quantities of beer shall be sold, regardless of container size, in packages of less than three per sale.
18. Wine shall not be sold in bottles or containers smaller than 750 ml. other than dessert wines in 375 ml. Bottles, and wine coolers shall not be sold in quantities of less than four per sale.
19. Hours of alcohol sales shall be limited from 8:00 AM to 10:00 PM everyday. The applicant may submit for a modification of this condition after one year of this application's final action date for the administrative consideration of the removal of this condition.
20. A numbering address sign shall be located at the side of the building, to the satisfaction of the Long Beach Police Department.
21. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.



22. The operator shall install exterior video security cameras at the front and rear of the business with full view of the public right-of-way and shall install exterior security video cameras that provide full view of any areas where operator provides parking for its patrons. The cameras shall record video for a minimum of 30 days and be accessible via the Internet by the LBPDP. A Public Internet Protocol (IP) address and user name/password to allow LBPDP to view live and recorded video from the cameras over the Internet are also required. All video security cameras shall be installed to the satisfaction of the Police Chief, Director of Technology Services, and Director of Development Services.
23. The operator/owner/tenant shall prevent loitering and loud noises around the project site during hours of operation. If loitering continues, as determined by the Long Beach Police Department, a security guard shall be required during business hours at the discretion of the Director of Development Services. Continual problems with loitering, which increase the calls for service at the business may lead to revocation of the Conditional Use Permit.
24. Applicant shall installed a surveillance system consisting of outdoor and indoor closed circuit cameras with audio capabilities, silent alarm system, and a cooler monitor.

**Standard Conditions:**

25. 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.
26. 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.
27. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, 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 City Council (Sec. 21.25.412, 21.25.212).
28. All conditions of approval must be printed verbatim on all plans submitted for

plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.

29. The Director of Development Services is authorized to make minor modifications to the approval design plans or 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 Zoning Administrator or Planning Commission, respectively.
30. 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).
31. Any graffiti found on site must be removed within 24 hours of its appearance.
32. 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.



NOTICE of EXEMPTION from CEQA

DEPARTMENT OF DEVELOPMENT SERVICES | PLANNING BUREAU
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- 14-168

Project Location/Address: 1410 W PCH LONG BEACH CA 90810

Project/Activity Description: EXISTING GAS STATION WITH AUTOMOTIVE SERVICE BLDG AND SNACKSHOP. DISCONTINUE AUTO SERVICE & SNACK SHOP, REMOVE SERVICE BUILDING, CONSTRUCT NEW FOOD STORE AT REAR PR, REQUEST GRANT TO SELL BEER & WINE OFF PREMISES CONSUMPTION, EXISTING AUTOMOTIVE FUEL & PROPANE SALES TO CONTINUE UNCHANGED.

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

Applicant Name: ANDREW PASZTERKO, ARCHITECT

Mailing Address: 2055 N ALVARADO ST LOS ANGELES

Phone Number: 213-359-4860

Applicant Signature: [Handwritten Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1412-44 Planner's Initials: JR

Required Permits: Conditional Use Permit

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15303, Class 3 New Construction of Small Structure

Statement of support for this finding: Land Use for new Construction of Small Structure

Contact Person: Jorge Rumiari

Contact Phone: 570-6952

Signature: [Handwritten Signature]

Date: 6-4-2015