



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

May 3, 2012

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Deny a Conditional Use Permit request to allow the sale of beer and wine for off-site consumption (Type 20 License) at an existing Walgreen's located at 3339 Anaheim Street within the Community Commercial Auto-Oriented (CCA) zone. (District 4)

APPLICANT: Robert M. Silverman / Walgreen, Co.
104 Wilmot Road
Deerfield, IL 60015
(Application No. 1002-13)

DISCUSSION

The subject property is located at 3339 Anaheim Street, between Redondo and Coronado Avenues, within the Community Commercial Auto-Oriented (CCA) zone (Exhibit A – Location Map). It is developed with an 11,555-square-foot Walgreen's convenience store and pharmacy (Exhibit B – Plans & Photos). The applicant is seeking approval for a Type 20 alcohol license that would allow the sale of beer and wine for off-site consumption. No other changes to the operation of the store are proposed.

The existing Walgreen's was approved through the Site Plan Review process on July 17, 2003 and has been operational since November 7, 2003. As part of the Site Plan Review process, certain conditions of approval were implemented to ensure proper continued maintenance of the site. Therefore, the subject property is subject to periodic re-inspections of the site to monitor said conditions of approval. Staff conducted a re-inspection of the site on September 27, 2009 and it was found to be in violation of several conditions of approval, including landscape maintenance, lack of graffiti removal, parking lot paving standards, and street tree requirements. The applicants were notified by staff of these outstanding violations on October 4, 2009. Several minor follow-up re-inspections were conducted as a means of checking the progress of the subject site coming into full compliance. These violations remained outstanding until January 2012, at which point the subject property came into full compliance with previous requirements.

In order for the Planning Commission to grant approval of a Conditional Use Permit (CUP), positive findings must be made consistent with the criteria of the Zoning Ordinance. Staff has evaluated 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. The zoning regulations require 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 (LBPd).

The site is located within Crime Reporting District 512, which has been deemed a high-crime area per the LBPd (Exhibit C – Findings). As stated previously, the subject site has failed to comply with graffiti removal conditions in the past, which suggest certain hardships related to undesirable activity at the location. Based on these findings and the previous violations of prior operational conditions of approval, staff believes the proposed use has the potential to adversely impact the surrounding community.

The project is also located within census tract 5751.03, in which a maximum of four alcohol licenses is recommended. Census tract 5751.03 currently has three establishments with alcohol licenses. Although approval of a fourth establishment would not create over concentration within the given census tract, staff believes approval would still result in over concentration within the general surrounding area. As shown in Exhibit D, one of the existing establishments adjacent to census tract 5751.03 (1600 Loma Avenue) is less than 100 feet away. Several other establishments are currently operational in the general area surrounding the subject site. (Exhibit D- ABC Census Tract 5751.03 Current & Surrounding Locations).

Considering the fact that it took the subject property more than two years to come into compliance with outstanding operational Conditions of Approval, including graffiti removal, staff feels that approval of this request can result in adverse effects to the community. The subject site is within a high-crime area, which also creates additional concern. Therefore, staff recommends that the Planning Commission deny the CUP to allow the sale of beer and wine for off-site consumption.

PUBLIC HEARING NOTICE

A total of 947 Public Hearing notices were distributed on April 2, 2012, in accordance with the provisions of the Zoning Ordinance. No responses were received at the time of preparation of this report.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 10-012) was issued for the proposed project (Exhibit E – Categorical Exemption) on April 3, 2010.

CHAIR AND PLANNING COMMISSIONERS

May 3, 2012

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Respectfully submitted,

for 
DEREK BURNHAM
PLANNING ADMINISTRATOR


AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

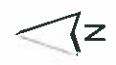
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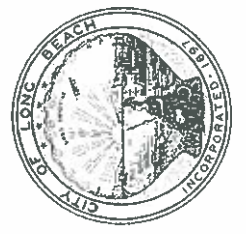
Exhibits A – Location Map
 B – Plans & Photos
 C – Findings
 D – ABC Census Tract 5751.03 Current Locations
 E – Categorical Exemption 10-012



Exhibit A



Subject Property:
3339 E Anaheim St
Application No. 1002-13
Council District 4
Zoning Code : CCA



CONDITIONAL USE PERMIT FINDINGS

3339 E. Anaheim Street

Case No. 1002-13

Date: April 19, 2012

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 General Plan Land Use District #8N (Shopping Nodes) and within the CCA (Community Auto-Oriented Commercial) zone. The CCA zone allows the on-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 created 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 the residents of Long Beach. The current use on the subject property is a Walgreen's retail store and pharmacy, which does fit as a neighborhood-supporting commercial use. The proposed sale of beer and wine for off-site consumption would not be inappropriate, as it is a continuation of retail sales within an established retail use.

- 2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING THE 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 10-012) was prepared for this project and is attached for your review.

Based on the special conditions enumerated below, the proposed use has the potential to adversely impact the environmental quality of the surrounding community. Although approval of the request would not result in an over concentration of alcoholic beverage availability within this census tract per se, there are already several existing establishments in the general surrounding

area. Further, the subject site has been found to be in violation of previous operational conditions of approval that are intended to mitigate any adverse impacts of the 11,555-square-foot convenience store. It has been subject to these violations for a long time, even after being notified by staff of the necessity to correct the issues. Allowing the approval of beer and wine sales brings the potential for additional violations of new operational conditions of approval, such as allowable hours of alcohol sales, compliance with the City's Noise Ordinance, and the requirements to prevent loitering.

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:

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.

There is no proposal for any construction or site expansion. The required parking ratio for retail is 4 spaces per 1,000 square feet of gross floor area. The subject site consists of a 11,555-square-foot retail/pharmacy building and 46 on-site spaces which does meet the required parking standard.

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 is a standard condition of approval for off-site beer and wine 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.

This requirement is a standard condition of approval for off-site beer and wine sales.

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.

The subject site is located in Census Tract 5751.03, in which a maximum of four (4) establishments is recommended by the Department of Alcoholic Beverage Control. Approval of the proposed license for off-site beer and wine sales would result in the fourth establishment with such alcohol sales in the census tract, which is the maximum. The site is also located in Crime Reporting District 512, which is considered a high-crime area. In light of the fact that the subject property has had issues complying with operational conditions of approval, such as landscape maintenance and graffiti removal, allowing the sale of beer and wine can potentially further exacerbate adverse effects and values to the site and neighborhood.

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




California Department of Alcoholic Beverage Control - Census Tract 5751.03

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	<u>140177</u>	ACTIVE	21	6/30/1983	7/31/2012	KO, DUCK S 3434 E PACIFIC COAST HWY LONG BEACH, CA 90804 Census Tract: 5751.03			1932
2)	<u>333312</u>	ACTIVE	20	7/24/1997	6/30/2012	QUANG, EDWIN 1650 OBISPO AVE LONG BEACH, CA 90804 Census Tract: 5751.03	R & G GROCERY MARKET		1932
3)	<u>380203</u>	ACTIVE	20	10/25/200 1	9/30/2012	CHEM, SANGVA 1600 LOMA AVE LONG BEACH, CA 90804 Census Tract: 5751.03	LOMA MINI MARKET		1932
4)	<u>501461</u>	ACTIVE	20	9/8/2010 10:13:54 AM	8/31/2012	PRO AUTO WASH INC 3525 E ANAHEIM ST LONG BEACH, CA 90804-4089 Census Tract: 5751.03	BELMONT AUTO SPA	5419 WEST PICO BOULEVA RD LOS ANGELES, CA 90019	1932

**City of Long Beach,
California**

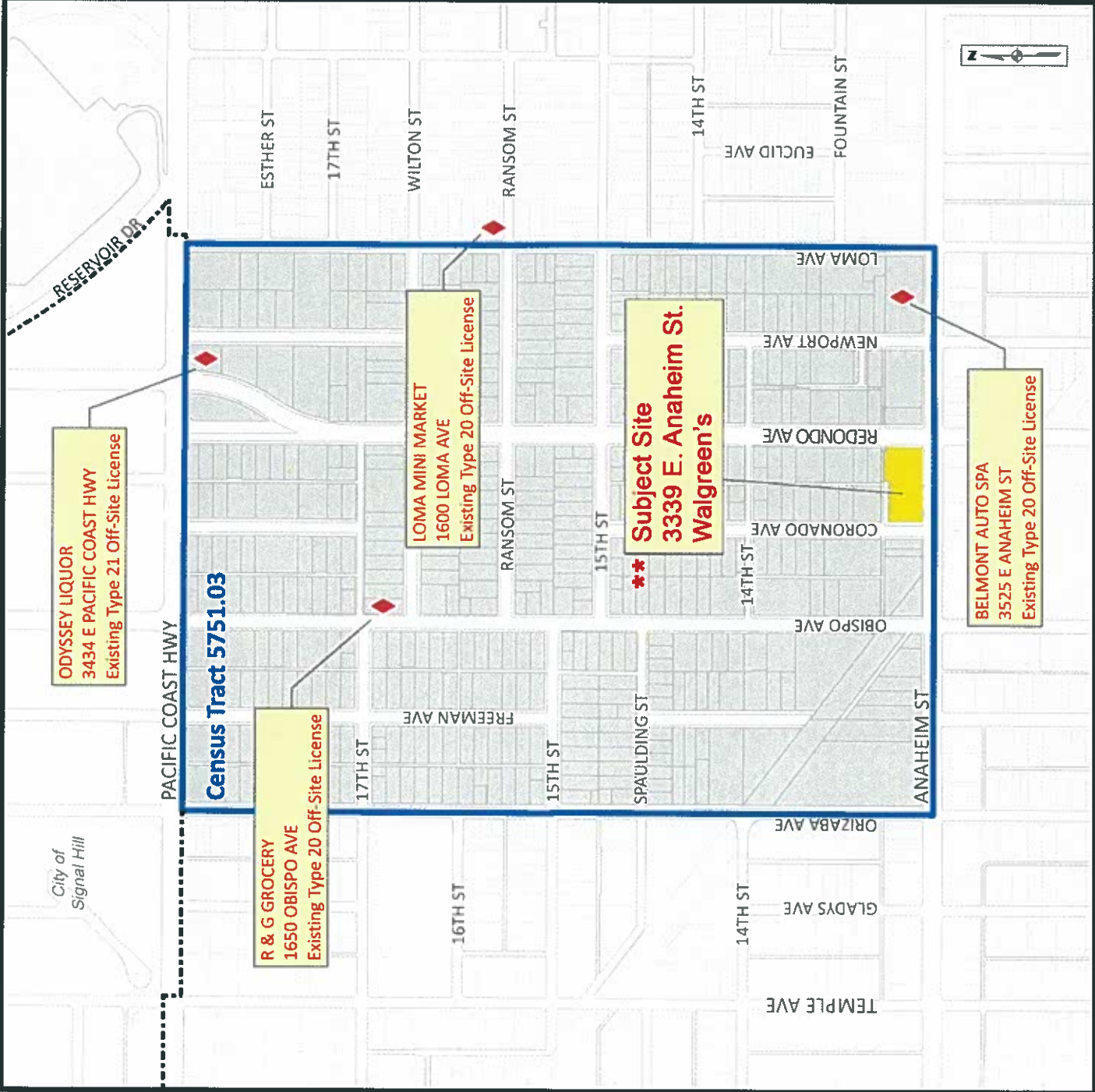
**Existing Off-Site
Alcohol Licenses
for Census
Tract 5751.03**

Map Features

-  Existing Locations
-  Census Tracts 5751.03
-  City Boundary

Sources:
Off-site sales locations provided
by Development Services.
Tract 5751.03 is from 2010 Census.

Department of
Technology Services
GIS



City of Long Beach California

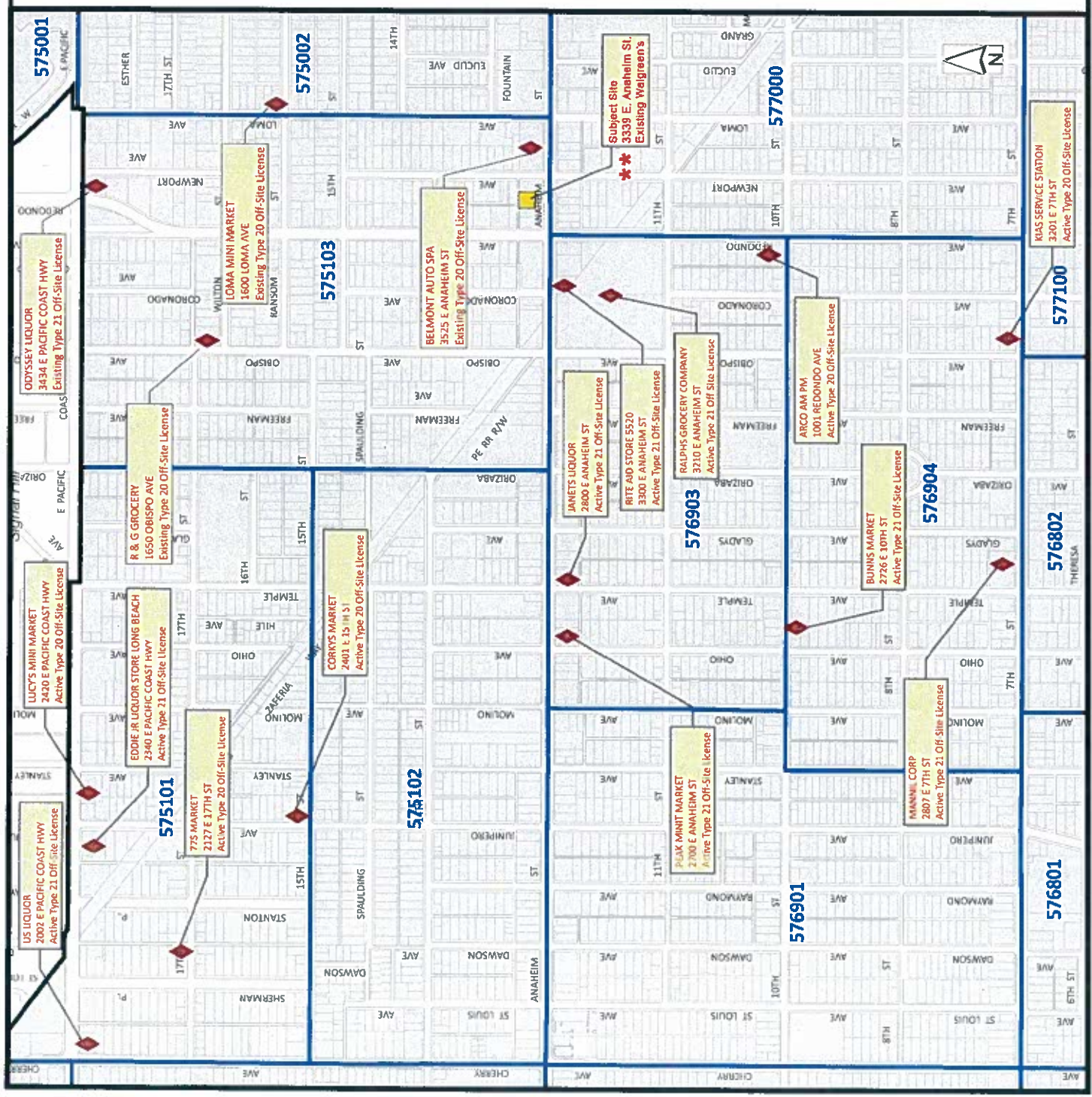
Existing Off-Site Alcohol Licenses

Legend

- ◆ Existing Locations
- Census Tracts
- City Boundary

Data Sources:
Off-site sales locations provided
by Development Services.
Tracts are from 2010 Census.

Department of
Technology Services
GIS





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- _____

Project Location/Address: 3339 E. Anaheim Street

Project/Activity Description: _____

Applicant requests a Conditional Use Permit to allow for the sale and dispensing of beer and wine for off-site consumption at an existing Walgreens store.

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

Applicant Name: Robert M. Silverman/Walgreen Co.

Mailing Address: 104 Wilmot Rd, MS 1420, Deerfield, IL 60015

Phone Number: (847) 315-4574

Applicant Signature:

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: Existing commercial land use with minor addition to operations

Contact Person: Craig Chalfant

Contact Phone: 562-570-6368

Signature:

Date: 4/3/12