



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

411 West Ocean Blvd., 3rd Floor

Long Beach, CA 90802

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August 22, 2019

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemption CE-19-170 and approve a Conditional Use Permit (CUP19-022) for the sale of beer, wine and distilled spirits for off-site consumption at an existing grocery store located at 6235 E. Spring Street in the Community Automobile-Oriented (CCA) District. (District 5)

APPLICANT: Hany Malak for Mark Kaplan
35 Hugus Alley, Suite 200
Pasadena, CA 91103
(Application No. 1905-43)

PROJECT DESCRIPTION

This item has been continued from the Planning Commission meeting of August 1, 2019 in order to ensure proper noticing of the project. The project site is located on the north side of Spring Street, between Snowden Avenue and Palo Verde Avenue (Exhibit A – Location Map). The site is approximately 302,900 square-feet and is improved with a multi-tenant commercial strip development. It's within the Community Automobile-Oriented (CCA) District and has a General Plan Designation of LUD #8N for Shopping Nodes. It is bordered to the north and west by residential properties and to the south and east by a variety strip commercial business. The applicant proposes to sell beer, wine and distilled spirits out of an existing grocery store. The site received approval of a Site Plan Review Modification (June 12, 2019) for the renovation of the grocery store. Upon completion of construction and renovation work, the grocery store will total 42,689 square feet, which will include 340 square feet for designated alcohol sales (Exhibit B – Plans & Photos).

In requesting to sell beer, wine and distilled spirits at an existing grocery store, the applicant proposes to establish a Type 21 license for off-site consumption (Off-sale General), as classified by the California Alcoholic Beverage Control Board (ABC). Pursuant to Section 21.32.130 of the Long Beach Municipal Code (LBMC), the operation of an establishment with off-site alcohol sales as an accessory use requires the approval of a Conditional Use Permit (CUP). LBMC Section 21.52.201 outlines the findings that must be made in order to approve a CUP for alcoholic beverage sales uses (Exhibit C – Findings).

Finding #1 states that the operator of the use shall provide parking for the use equivalent to the parking required for new construction regardless of the status of the previous use as to legal nonconforming rights. Based on official records and plans submitted by the applicant

for the proposed grocery store remodel, upon completion of the renovation, the required number of parking spaces for the entire commercial strip development will be 431 spaces. The proposed grocery store remodel will result in the addition of nine new parking spaces, totaling 470 spaces for the entire commercial site.

Additional findings state that a new CUP shall not be approved in a reporting district with an over concentration of on or off-sale premises, as recommended by ABC; nor in a reporting district with a high crime rate as reported by the Long Beach Police Department (LBPD). As reported by the LBPD, the project site is located within Census Tract 5740.00, where up to three establishments may sell alcohol based on ABC criteria for population which establishes a threshold for overpopulation within a census tract (Exhibit D – Alcoholic Beverage Control Statistics).

Currently, there are three ABC licenses in this census tract, which is equivalent to the ABC threshold. Although approval of an additional ABC license would result in overconcentration within Census Tract 5740.00, staff believes that the sale of beer, wine and distilled spirits at the project site will not be problematic. The site will consist of a 42,689 square-foot grocery store upon completion of renovation work. The current site is a well-maintained shopping center, with no records of any nuisance activity or negative operational practices. Furthermore, until a recent amendment of the LBMC, the off-site sale of beer, wine and distilled spirits from a grocery store of at least 20,000 square feet was exempt from the CUP process. While large grocery stores are no longer exempt from the CUP process, the sale of beer, wine and distilled spirits for off-site consumption at the 42,689 square-foot establishment is not anticipated to cause any adverse impacts to the project site or the surrounding community.

The site is located within Police Reporting District 663, which is not considered a high-crime rate area based on a crime rate of 28, which is significantly less than the high-crime rate threshold of 115. Furthermore, several conditions of approval have been included to closely monitor the operation of off-site alcohol sales to ensure that the use does not threaten public health, safety or welfare (Exhibit E – Conditions of Approval). These conditions include security measures such as proper lighting and security cameras, prohibition of loitering, and the requirement to maintain a clean and orderly site to prevent any effects associated with blighted properties.

The incorporation of Conditions of Approval gives staff the authority to periodically re-inspect the project site and monitor the use. Any violations of these conditions can serve as grounds for permit revocation at a noticed public hearing. Staff recommends that the Planning Commission approve the Conditional Use Permit, subject to Conditions of Approval.

PUBLIC HEARING NOTICE

A total of 227 notices of public hearing were distributed on July 15, 2019, in accordance with the requirements of Chapter 21.21 of the Zoning Regulations. As of the preparation of this report, no correspondence was received by staff.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, the project is exempt per Section 15301 – Existing Facilities, as the project consists of the sale of beer, wine, and distilled spirits within an existing grocery store. (Exhibit F – CE 19-170).

Respectfully submitted,


CUENTIN JACKSON
PROJECT PLANNER


ALEXIS OROPEZA
CURRENT PLANNING OFFICER


CHRISTOPHER KOONTZ, AICP
PLANNING BUREAU MANAGER


LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES

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Attachments:

- Exhibit A – Location Map
- Exhibit B – Plans & Photos
- Exhibit C – Findings
- Exhibit D – Alcoholic Beverage Control Statistics
- Exhibit E – Conditions of Approval