

ATTACHMENT

In order to approve the abovementioned request, the City Council is required to make certain findings in support of an approval decision. These findings along with staff analysis are presented below for consideration, adoption and incorporation into the record of proceedings.

CONDITIONAL USE PERMIT FINDINGS

A. 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 has a General Plan designation of LUD #8, major commercial corridor, which allows retail uses. A retail convenience store is consistent with the uses allowed in LUD #8R (Long Beach General Plan, Land Use Element, p. 52).

The subject site has a zoning designation of CCA, which allows the proposed use subject to a Conditional Use Permit. Conditional Use Permit requests are considered "consistent" when it is determined that they can operate in a manner that is compatible with the surrounding land uses. In this instance however, it has been determined that the proposed use cannot operate in a manner that is compatible with existing land uses in the surrounding community. As such, it can also be determined that the proposed use is inconsistent with the intent and purpose of the general plan.

B. 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

The proposed use will have detrimental impact on the surrounding community. Similar convenience stores have a history of adding to the crime rate in adjacent neighborhoods. Common crimes and public nuisances include but are not limited to, panhandling, loitering, graffiti, accumulation of trash and debris, vagrancy, and the sale of alcohol to underage individuals. Furthermore, according to the Long Beach Police Department, convenience stores located in close proximity to freeway on and off ramps are more likely to be robbed than convenience stores in other geographical locations. The subject location is situated very near the confluence of the Long Beach and San Diego freeways. In combination with Long Beach Boulevard, a minimum of six ready escape paths would be provided to those inclined to engage in criminal activity (including armed robbery) involving the applicant's store.

In addition, there are 27 existing establishments in the general Bixby Knolls area (which comprises approximately two-and-a-quarter square miles) that have licenses for the sale of alcohol for off-premise consumption. Allowing another would cause an increase in the concentration of alcohol sales in the community.

Applicant has failed to demonstrate either the public convenience or necessity of an additional retail beer and wine outlet in this already impacted area. Further, applicant currently has three similar retail outlets located in the Bixby Knolls area. During public testimony, the appellants mentioned that there are many other community-serving uses that are in demand for this area that do not promote criminal activity and nuisances.

Finally, the proposed operation would likely require an armed security guard, which can create the perception of an unsafe environment. The subject site is located at the intersection at Long Beach Boulevard and Wardlow Road. This intersection is valuable to the community and considered to be the entry point or "gateway" into the Bixby Knolls and California Heights neighborhoods. Currently, these two neighborhoods are thought to be safe, clean, desirable, family-oriented communities. The perception of an unsafe neighborhood could result in decreased property values, and raise concerns for safety and security among existing and potential residents, imposing further detriment to the surrounding community.

C. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USES, AS LISTED 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 subject site has 51 off-street parking spaces on site, providing a surplus to the required 47 parking spaces. Per current zoning code requirements, a commercial retail strip center of this size (9,292 sq. ft.) requires 47 on-site spaces.

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 could be incorporated as a condition of approval for the proposed project.

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 could be incorporated as a condition of approval for the proposed project.

- 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 reporting district serving the subject site is not one that contains more than the recommended maximum concentration of the applicable off-premise sales use as recommended by the Long Beach Police Department. The site is located within Census Tract 5720.02 where the number of licenses allowed is 3. The number of existing licenses within the Tract is 2.

- 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.**

No school or park is within 500 feet of the subject site.