



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-8194 FAX (562) 570-6068

November 15, 2012

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) at a proposed convenience store located at 4323 East Anaheim Street within the Community Commercial (CCN) zone. (District 4)

APPLICANT: Cliffhaven Companies Inc. (Tenant Representative)
c/o Ralph Deppisch
4340 Von Karmen Avenue, Suite 110
Newport Beach, CA 92660
(Application 1208-01)

DISCUSSION

The subject site is located at 4323 East Anaheim Street at the northwest corner of Anaheim Street and Ximeno Avenue (Exhibit A – Location Map). The project site is in General Plan Land Use District #8M – Mixed Office Retail/Residential Strip and the CCN zoning district. The site is presently developed with a one-story commercial building totaling 6,737 square feet with 4 separate lease spaces, along with 27 parking spaces (Exhibit B – Plans & Photographs). The other tenants in this building are a pizza take-out restaurant, a coffee shop, and a sandwich shop. The applicant is seeking approval for a Type 20 alcohol license that would allow a proposed 7-Eleven store to sell beer and wine for off-site consumption.

The sale of beer and wine would be in conjunction with the operation of a 7-Eleven convenience store in a currently vacant 2,777-square-foot lease space area. The applicant anticipates business operations to start in late 2012. While this store would operate on a 24 hour basis, the recommended approval conditions (Exhibit C – Findings and Conditions of Approval) include a requirement that no beer or wine would be sold between midnight and 8:00 a.m.

The applicant has met with local community groups and the East Anaheim Business Alliance to address potential concerns related to alcohol sales. As a result of these

discussions, the applicant has agreed to a number of operating restrictions that have been included in the recommended approval conditions. In addition, the applicant has proposed an operational plan to increase staffing and security measures in the afternoon hours from 2:30 to 5:00 p.m. on school days, which is provided under Condition No. 34.

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 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 LBPd. The project is not located in a high crime area per LBPd or an over concentrated district for off-site alcohol sales. In the subject Census Tract (5750.02), three licenses for off-site alcohol sales are allowed and there is currently only one existing license (Exhibit E – Census Tract Map). Staff believes that the approval of this application will have minimal impact on the surrounding land uses. Conditions of approval will also require prevention of nuisances and other potential negative effects. Given the fact that the site has had no history of nuisance or criminal activity relating to alcohol sales, staff is requesting the Planning Commission approve the request subject to conditions (Exhibit C – Findings and Conditions of Approval).

PUBLIC HEARING NOTICE

Public Hearing Notices were distributed on October 31, 2012, in accordance with the provisions of the Zoning Ordinance. A letter of support has been received from the Recreation Park Neighborhood Coalition.

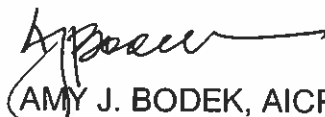
ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 12-062) was issued for the proposed project (Exhibit D – Categorical Exemption).

Respectfully submitted,



DEREK BURNHAM
PLANNING ADMINISTRATOR



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:DB:cc

Attachments:

- Exhibit A – Location Map
- Exhibit B – Plans & Photos
- Exhibit C – Findings & Conditions
- Exhibit D – Categorical Exemption 12-062
- Exhibit E – Census Tract Map

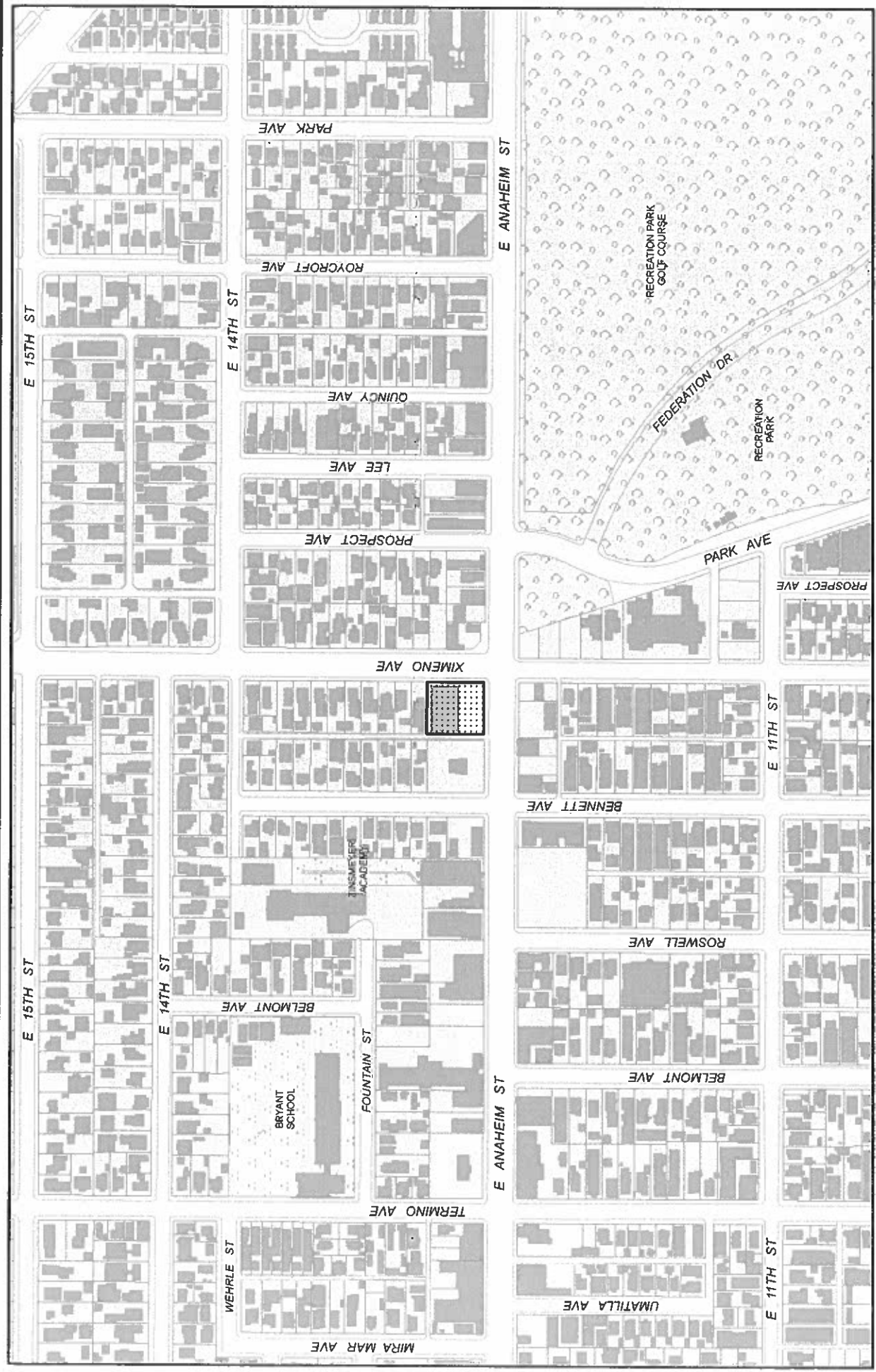
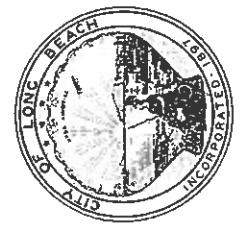


Exhibit A

Subject Property:
4323 E Anaheim St
Application No. 1208-01
Council District 4
Zoning Code : CCN



CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

4323 E. Anaheim Street

Application No. 1208-01

Date: November 15, 2012

1. The use permitted on the subject site, in addition to the other uses permitted in the CCN zoning district, shall be to allow the sale of beer and wine for off-site consumption (Type 20 License) at an existing convenience store located at 4323 E. Anaheim Street.
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 interior or 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, amusement devices or similar game activities 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. The beer and wine sales shall be limited to one cooler area, with a maximum of five shelves with each shelf not to exceed 30 inches by 36 inches, and shall not be expanded.
11. No sales of any alcoholic beverage shall be permitted between the hours of midnight and 8:00 a.m. and the entire cooler area containing beer and wine shall be locked between midnight and 8:00 a.m.
12. The operator of the approved use shall prevent loitering and loud noises around the project site, and in all parking areas serving the use during and after hours of operation.
13. 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.
14. No alcoholic beverages shall be consumed on the property, or on adjacent properties under control of the licensee.
15. No sales to any person appearing to be or actually being intoxicated shall be allowed.
16. 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.
17. Signs shall be posted explicitly stating the California law prohibits the sale of alcoholic beverages to minors.
18. No person under the age of 18 shall sell alcoholic beverages.
19. Within one year of the effective date of this approval, all personnel involved in the sales of alcohol, including anyone acting in the capacity of a manager of the premises, shall complete Standardized Training for Alcohol Retailers (STAR) training and CST training sponsored by 7-Eleven.
20. Electronic age verification device(s) which can be used to determine the age

of any individual attempting to purchase age-restricted products shall be installed on the premises at each point-of-sale location. These devices shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any age-restricted products.

21. The front door(s) and rear door(s) shall be kept closed at all times during the operation of the premises except in the case of an emergency.
22. The rear door(s) of the premises shall be equipped with an automatic locking device on the inside and shall be closed at all times, except in the case of an emergency, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation.
23. Beer and malt beverages shall not be sold, regardless of container size, in units less than a four-pack
24. Wine shall not be sold in containers smaller than one liter (750 ml) other than dessert wines in 375 ml containers. Wine coolers shall not be sold in units of less than a four-pack.
25. There shall be no sale of fortified wine or beer.
26. The sale of beer or malt beverages in quantities of quarts, 22 oz, 32 oz, 40 oz or similar size is prohibited.
27. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
28. The applicant shall be responsible for maintaining a litter-free area on and adjacent to the premises, including the parking area used by patrons of the premises.
29. All trash enclosures shall be secured from unauthorized access. No trash enclosure shall be placed in the parking lot.
30. Interior lighting sufficient to provide clear visibility into the interior of this lease space and shall be maintained during all non-business hours to allow for adequate security surveillance as deemed necessary by the Long Beach Police Department. All exterior and interior lighting shall provide sufficient illumination to identify any person on the premises. All exterior and interior lighting plans, including a photometric report, shall be submitted to the Long Beach Police Department for review and approval.

31. The operator shall install exterior video security cameras at the front and rear of the building 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. All exterior and interior security cameras shall record video for a minimum of 30 days and be accessible via the Internet by the Long Beach Police Department. A Public Internet Protocol (IP) address and user name/password to allow the Long Beach Police Department to view live and recorded video from the cameras over the Internet are also required. All interior and exterior video security cameras shall be installed to the satisfaction of the Long Beach Police Department, Director of Technology Services, and Director of Development Services.
32. The applicant shall install a "panic button" that immediately calls 911.
33. The applicant shall prevent loitering and loud noises in and around the project site during hours of operation. The applicant shall post no loitering signage on the premises. 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.
34. The applicant shall implement a School Plan for all afternoons in which schools are in session. This School Plan shall consist of the following:
 - a. The applicant shall add a minimum of one additional employee during the hours of 2:30 to 5:00 p.m. to adequately address after-school crowds (two staff members minimum).
 - b. If congregating/loitering/nuisance activity occurs outside the store, the applicant shall designate a staff person to stand in front of the store.
 - c. The applicant shall work with Wilson High School administrators to identify and address any issues related to student loitering or vandalism.
 - d. The applicant shall work with Wilson High School administrators to determine the best way to notify employees of late start/early dismissal days and special events to adjust employee staffing accordingly.
 - e. The applicant shall work with the Long Beach Police Department on any crime or nuisance issues.

Standard Conditions:

35. 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.
36. 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.
37. 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).
38. 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.
39. 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.
40. 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).
41. Any graffiti found on site shall be removed within 24 hours of its appearance.
42. 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.

CONDITIONAL USE PERMIT FINDINGS

4323 E. Anaheim Street

Application No. 1208-01

November 15, 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 project site is located in General Plan Land Use District (LUD) #8M – Mixed Office Retail/Residential Strip. LUD #8M is intended to accommodate freestanding office buildings and residential buildings, with the provision for ground floor retail uses. The subject convenience store is consistent with the requirements of this General Plan district. No specific plan applies to the subject site and this site is not in the Coastal Zone. The project is consistent with the zoning regulations of the CCN zoning district, as the off-site sale of alcoholic beverages at an existing convenience store 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 Environment Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE 12-062) was prepared for this project.

The proposed sale of off-site beer and wine at an existing convenience store is not expected to be detrimental to the surrounding community. No physical expansion to the building is proposed and conditions of approval are included to ensure the mitigation of any negative impacts. The project is not located in a high crime area per the Long Beach Police Department or in an over-concentrated district for off-site alcohol sales. In the subject Census Tract (5750.02), three licenses for off-site alcohol sales (Type 20) are allowed and there is currently only one existing license. The recommended Conditions of Approval will also require prevention of loitering nuisances and other potential negative effects.

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

Section 21.52.201 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 status of the previous use as to legal nonconforming rights.**

The existing building is approximately 6,737 square feet in size with four separate lease space areas. This site meets the definition of a shopping center as set forth in Zoning Code Section 21.15.2480, which is a commercial land use consisting primarily of retail sales uses with three or more lease areas on a single recorded lot. Per Zoning Code Section 21.41.216, required on-site parking for a shopping center is five spaces per 1,000 square feet of gross floor area. The shopping center parking requirement for this 6,737 square feet building would therefore be 34 spaces. The existing on-site parking lot has a total of 27 spaces, which does not comply with this shopping center parking requirement but would meet the general retail parking requirement of four spaces per 1,000 square feet of gross floor area (which would be 27 spaces for 6,737 square feet of gross floor area).

The existing parking lot cannot support any additional parking stalls as this parking lot is fully built out. The project site is located in the CCN zone, a Community Commercial zoning district that is intended for commercial uses including convenience shopping such as this subject convenience store. The commercial land uses on this site and other nearby properties along Anaheim Street are well suited for pedestrian-friendly stores and neighborhood-serving uses. Furthermore, Anaheim Street provides additional off-site street parking that is currently shared between commercial stores. For these reasons, staff requests the Planning Commission to waive this finding.

- 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 (LBPD) on this application. The LBPD did not have any objections to this request and provided recommendations to staff on lighting and other security measures. Condition of Approval No. 30 requires LBPD approval of all exterior and interior lighting. Condition of Approval No. 31 requires LBPD approval of all security camera surveillance equipment.

- 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.**

Conditions No. 12 and 33 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 State of California Alcoholic Beverage Control Board, nor with a high-crime rate as reported 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 21.52.201 of the Zoning Code 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 (LBPD). The project is not located in a high crime area per LBPD; nor is it in an over-concentrated district for off-site alcohol sales. In the subject Census Tract (5750.02), three licenses for off-site alcohol sales (Type 20) are allowed and there is currently only one existing license.

- 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 nearest public school to the project site is Bryant Elementary School, located at 4101 E. Fountain Street, approximately 580 feet northwest of the project site (measured from the closest point from the project site northwest corner to the school property southeast corner). The nearest public park is Recreation Park, which is located less than 500 feet from the project site at this park's nearest location by the Anaheim Street/Park Avenue intersection. However, staff believes that the Conditions of Approval requiring security lighting and security surveillance equipment (Conditions No. 30 and 31) and prohibiting loitering (Conditions No. 112 and 33) are adequate to prevent project-related alcohol consumption at this public park. Condition No. 33 specifically states that 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. For these reasons, staff requests the Planning Commission to waive this finding relating to distance from public parks.



NOTICE of EXEMPTION from CEQA

DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbds.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- D-062

Project Location/Address: 4323 E Anaheim St.

Project/Activity Description: TYPE 20 ABC LICENSE AT A (N) 7-11
RETAIL STORE. (CONDITIONAL USE PERMIT)

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

Applicant Name: Cliff Haven Companies, Inc. c/o R. DEPPISCH

Mailing Address: 4340 Von Karmen Ave Suite 40 Newport Beach CA 92666

Phone Number: 949-705-0426 Applicant Signature: Ralph W. Deppisch

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1208-01 Planner's Initials: cc

Required Permits: CONDITIONAL USE PERMIT

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: New retail land use in an existing
commercial building with minor interior alterations.

Contact Person: Craig Chalfant

Contact Phone: 562-570-6568

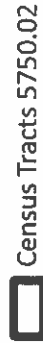
Signature: Craig Chalfant

Date: 10/25/12

City of Long Beach, California

Existing Off-Site Alcohol Licenses for Census Tract 5750.02

Map Features



Sources:

Off-site sales locations taken from the
CA Alcoholic Beverage Control website.
Tract 5750.02 is from 2010 Census.

Department of
Technology Services
GIS

