



# 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 3, 2010

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

## RECOMMENDATION:

Approve a Conditional Use Permit for sale of beer and wine for off-site consumption (Type 20 license) in a new Circle K retail store, to be built in an existing retail space at 3525-3543 E. Anaheim St. in the "Community Commercial Pedestrian-Oriented" (CCP) zoning district. (District 4)

APPLICANT: Yoram Cohen  
c/o Jon Perica  
10338 Etiwanda Ave.  
Northridge, CA 91326  
(Application No. 1002-30, CE No. 10-019)

## DISCUSSION

The project site is located on an approximately 35,100-square-foot lot at 3525-3543 East Anaheim Street between Newport and Loma Avenues (Exhibit A – Location map). The site is in the "Community Commercial Pedestrian-Oriented" (CCP) zoning district and contains several one-story commercial buildings comprising a car wash, retail store, and oil/lube garage, in addition to a number of temporary canopies set up for auto detailing. The retail store on the site will be remodeled and converted into a Circle K convenience market as part of this project (Exhibit B – Plans and photos). The applicant requests approval of a Conditional Use Permit (CUP) to allow sale of beer and wine for off-site consumption (Type 20 license).

Staff has identified a number of site improvements that could be achieved at the site, and has worked with the applicant and owner to discuss potential conditions of approval to address these items. The applicant and owner have agreed to carry out the following improvements:

- Closure of two large curb cuts on Anaheim Street currently not in use or needed by the site. This would enhance vehicular, pedestrian, and cyclist safety on Anaheim Street.
- Removal of all temporary canopy structures from the site, and replacement (if desired by owner) with new permanent code-compliant canopy or shade structures.

## CHAIR AND PLANNING COMMISSIONERS

Application No. 1002-30

June 3, 2010

Page 2 of 3

- Removal of all unpermitted banners on the site, replacement (if desired by owner) with permitted banners with standard time restrictions.
- Removal of two of three pole signs from the site, with potential rehabilitation of the remaining sign at the owner's discretion.
- Removal of all exterior pay telephones.
- Replacement or installation of all missing or dead street trees on project-adjacent segments of Anaheim Street and side streets.
- Installation of code-required landscaping buffers, where feasible.
- Removal of any unpermitted auto or motorcycle sales or rentals from the site.
- Implementation of operating conditions of approval requiring daily cleaning, trash removal, and landscaping maintenance for the site.

The site is located in a reporting district identified by the California Department of Alcoholic Beverage Control (ABC) as being over-concentrated for licenses for off-site consumption. A total of four licenses are allowed in this reporting district; three are in use, and a fourth one, not related to this project, is pending before ABC. So, this site would constitute a fifth license and bring the reporting district into an over-concentrated state. However, approval of the fourth license is not ascertained at this time. Additionally, staff does not believe that five, as opposed to four, alcohol licenses for off-site consumption would have any significant negative impacts on the surrounding area. The Long Beach Police Department has not indicated any objection to approval of this Conditional Use Permit. Staff requests that Planning Commission waive the required finding that the use is not located in an over-concentrated reporting district (Exhibit C – Findings and Conditions of Approval).

Staff believes that approval of this CUP will have no significant negative effects upon the surrounding area, and that approval will, in fact, result in a number of site improvements at the project location, which ultimately will be beneficial to the site and the surrounding area. Conditions of approval will require prevention of nuisances and other potential negative effects; the applicant also has volunteered a number of conditions of approval in this respect. For these reasons, staff recommends the Planning Commission approve the CUP.

### **PUBLIC HEARING NOTICE**

Public hearing notices were distributed on May 19, 2010, as required by the Long Beach Municipal Code. Staff has received one telephone call in opposition to approval of the permit, at the time of writing of this report.

### **ENVIRONMENTAL REVIEW**

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption was issued for the proposed project (Exhibit D – CE 10-019).

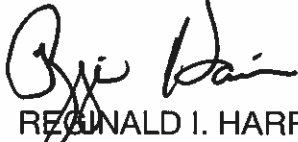
CHAIR AND PLANNING COMMISSIONERS

Application No. 1002-30

June 3, 2010

Page 3 of 3

Respectfully submitted,



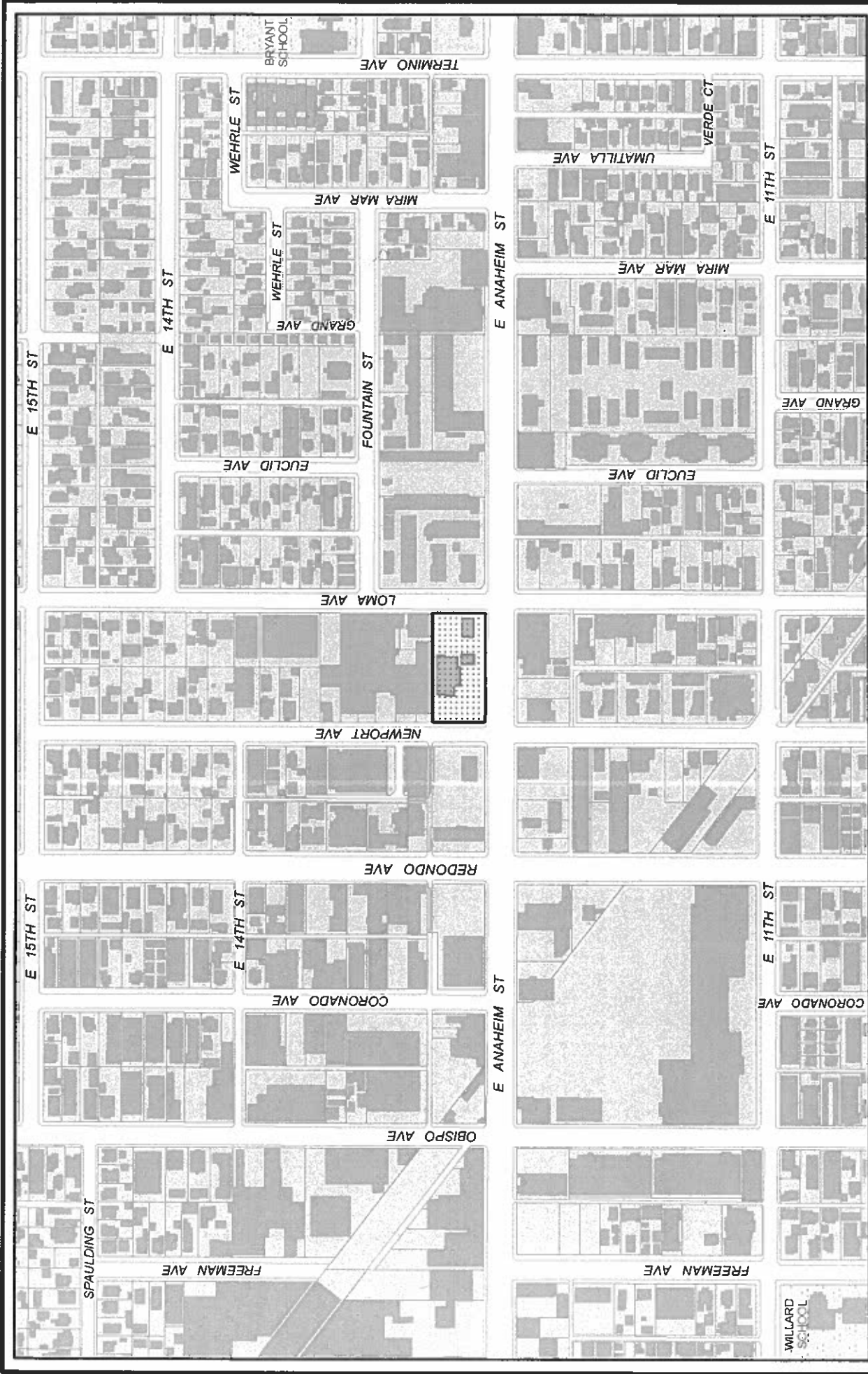
REGINALD I. HARRISON

INTERIM DIRECTOR OF DEVELOPMENT SERVICES

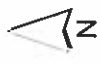
RH:DB:SK

Exhibits

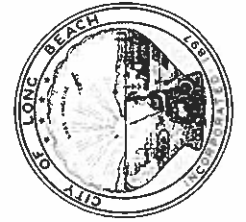
- A. Location map
- B. Plans and photos
- C. Findings and Conditions of Approval
- D. Categorical Exemption CE 10-019



# Exhibit A



**Subject Property:**  
 3525-3543 E Anaheim St  
 Application No. 1002-30  
 Council District 4  
 Zoning Code : CCP



## CONDITIONAL USE PERMIT FINDINGS

3525-3543 E. Anaheim St.

Application No. 1002-30

June 3, 2010

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 #8N—Shopping Nodes. LUD #8N is established to include retail and service uses exclusively. Since the alcohol sales would take place from a retail use within LUD #8N, the proposed project is consistent with and carries out the General Plan. No specific plan applies to the subject site. The site is not located in the Coastal Zone. The project also is consistent with the zoning regulations of the CCP district, as the sale of alcoholic beverages for off-site consumption within 500 feet of a zoning district allowing residential use is allowed through the Conditional Use Permit process in this zone.

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

The proposed use will not be detrimental to the surrounding community. Approval of this Conditional Use Permit will allow the City to place conditions of approval on this operation, specifying a number of improvements and performance standards. These include a number of conditions of approval volunteered by the applicant, including limiting hours of alcohol sales, requiring alcohol sales training for employees, no outdoor advertising for alcohol, no single-container sales, and a limit on alcohol sales to 20% of gross receipts, among others. The site improvements to be required by conditions of approval include closure of two curb cuts on Anaheim Street, which will enhance vehicular, pedestrian, and cyclist safety. Additionally, the developer will be required to replace missing street trees on Anaheim Street and the side streets, which will make a small contribution to environmental quality and quality of life in the neighborhood. Between the required improvements and the conditioned restrictions, staff believes this project has insignificant potential to negatively affect the surrounding area.

**3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52.**

**Section 21.52.210 states that the following conditions shall apply to all alcoholic beverage 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 building has 19 on-site parking spaces to share between the retail store, car wash, and auto lube shop. Up to 21 parking spaces could be required by code, depending on final configuration of the new Circle K market. Conditions of approval will require the applicant to provide the code-required number of parking spaces, as determined during plan check, to be the final amount required for all the land uses on site. Staff does not anticipate that the applicant will have any problem meeting the code required-number of parking spaces, as the required closure of the two curb cuts on Anaheim Street will liberate a large area of the site's frontage along Anaheim Street, which may then be converted into new parking spaces.

**B. The operator of the use shall provide night lighting and other security measures to the satisfaction of the chief of police;**

The application has been reviewed by the Long Beach Police Department, and the Police Department has made no specific recommendations for this site. Conditions of Approval will require the operator to provide any necessary security measures to the satisfaction of the Chief of Police and the Director of Development Services.

**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 of Approval 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 premises 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 twenty thousand (20,000) square feet floor area, and also providing fresh fruit, vegetables and meat, in addition to canned goods; and**

Staff consulted with the California Department of Alcoholic Beverage Control (ABC) to obtain this information. This site is not in a reporting area with a high crime rate, but is in a census tract where all of the four available alcohol licenses already are assigned or pending to other alcohol sales uses. Approval of this Conditional Use Permit would add a fifth license, bringing the tract into an "undue concentration" condition. However, due to the conditions of approval volunteered by the applicant, and other conditions that will be imposed by staff, staff believes that approval of the project will result in significant improvements to the property, and that the conditions of approval will be sufficient to prevent any nuisance activity or other negative effects upon the surrounding businesses or residential neighborhoods. Staff therefore requests the Planning Commission waive this finding.

- E. The use shall not be located within five hundred feet (500') of a public school, or public park, except (1) locations in the greater downtown area; or (2) stores of more than twenty thousand (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 well over 500 feet from any public school or public park.

**CONDITIONAL USE PERMIT  
CONDITIONS OF APPROVAL**

**3525-3543 E. Anaheim St.**

**Application No. 1002-30**

**June 3, 2010**

1. The use permitted on the subject site, in addition to the other uses permitted in the CCP zoning district, shall be sales of beer and wine for off-site consumption (Type 20 license) at a convenience store.
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 Acknowledgment 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. Prior to issuance of a business license, the applicant or operator shall comply with the following conditions. Those conditions applying to the continuing operation of the site shall remain in effect after business license issuance.
  - a. All existing publicly accessible telephones shall be removed. Publicly accessible telephones shall be prohibited on the exterior of the premises.
  - b. The windows of the store shall be maintained free of signs or other obstructions in excess of 10% of each window area. Window signs displaying prices shall be prohibited. Any existing violations of this condition shall be remedied.
  - c. All portable signs shall be removed from the site. Portable signs are prohibited by the Zoning Regulations.
  - d. All exterior newsstands and vending machines shall be removed. Installation of any exterior newsstands and vending machines shall be prohibited.
  - e. Any motorcycle or automobile sales or rentals at the site shall cease and any such vehicles for sale or rental shall be removed from the site.



- f. All landscaping areas shall be replanted or refurbished, as necessary, to the satisfaction of the Director of Development Services.
  - g. Two of the three pole signs on the Anaheim Street frontage shall be removed. A sign permit shall be required for the re-facing, relocation, or rehabilitation of the remaining pole sign.
  - h. All canopy structures shall be removed from the site. Any canopy or shade structure the applicant or owner wishes to place on the site shall be a permanent structure and shall be constructed under a building permit.
  - i. All banners shall be removed from the site, including those for the car wash and auto lube shop. A City of Long Beach promotional activity sign/banner permit shall be required to reinstall any banner on the site, and for all future banners. All banners shall be limited to display on building walls. Banners shall not be displayed in landscaping areas, attached to pole signs, or any other locations.
  - j. All exterior lighting systems shall repaired and upgraded to the satisfaction of the Director of Development Services. All exterior lighting systems shall be maintained in good working condition. Lights shall be appropriately shielded to prevent intrusion of light and glare onto adjacent properties or the public right-of-way.
  - k. Any auto repair work performed at the site shall take place only within the enclosed building of the lube/repair shop. Any outdoor repair work on automobiles shall be prohibited.
5. The applicant or owner shall provide for the closure of the two curb cuts on Anaheim Street and their reconstruction to full-height curb and gutter. All appropriate permits from the Department of Public Works shall be obtained before work commences in the public right-of-way. This work shall be completed prior to issuance of a final Certificate of Occupancy for the convenience market. A Temporary Certificate of Occupancy shall be required if it is necessary for the store to open prior to completion of curb cut closure.
6. After closure of the curb cuts, the applicant shall reconfigure the parking lot as necessary to provide the code-required number of parking spaces. The new parking lot configuration shall be made to comply with all requirements of Chapter 21.41 (Off-street Parking) of the Zoning Regulations, including (but not limited to) size of parking spaces, drive aisle widths, parking stall wheel stops (bumpers), turning radii, and setbacks between parking areas and property lines. The Zoning Administrator may waive compliance with each of these standards, except for the required number of parking spaces, if compliance with code requirements is found to be infeasible due to constraining factors on this site. This work shall be completed prior to issuance of a final Certificate of Occupancy.

7. All required parking setback areas provided at this site shall be landscaped according to the standards of Chapters 21.41 and 21.42 of the Zoning Regulations.
8. The applicant shall provide the following to the satisfaction of the Director of Public Works:

**PUBLIC RIGHT-OF-WAY**

- a. The Developer shall improve the parkway on Newport Avenue adjacent to this project with new ground cover such as described in Section 21.42.060 of the Municipal Code.
  - b. The Developer shall provide for new street trees to replace the missing and/or dead trees on Anaheim Street and Loma Avenue, and provide irrigation to the parkway and street trees adjacent to the project site. The Developer and/or successors shall privately maintain all street trees, landscaping required in connection with this project.
  - c. The Developer shall be responsible for the maintenance of the off-site improvements during construction of the on-site improvements. All off-site improvements found to be damaged as a result of construction activities shall be reconstructed or replaced by the Developer to the satisfaction of the Director of Public Works.
  - d. The Developer shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and irrigation system work. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed.
9. The site's trash enclosure shall be brought into compliance with Section 21.45.167 (Trash receptacles) if it does not already meet those standards. This shall include installation of a visually solid gate and replacement of enclosure walls with CMU block if walls are built of other material.
  10. The applicant shall obtain a City of Long Beach sign permit for any new permanent signs to be placed on the site.
  11. In addition to all other conditions of approval, the following shall apply to the operation of the beer and wine sales use:
    - a. Hours of beer and wine sales shall be limited to the times between 7:00 am and 11:00 pm.
    - b. Adequate security lighting shall be provided to the satisfaction of the Chief of Police.
    - c. No sales of fortified wine (18% alcohol content or greater) or beer with 6% alcohol content or greater shall be allowed.
    - d. California Department of Alcoholic Beverage Control (ABC) training shall be required for all employees selling alcohol.
    - e. Advertising signs for beer and wine in the store windows or outside of the store shall be prohibited.

- f. The operator shall post and maintain signs stating "No Loitering" and "No Open Alcohol Containers" in English and Spanish, and shall direct employees to report violations to the Police Department as necessary.
- g. The operator shall clean the exterior of the site daily to remove trash, debris, and graffiti. This shall include the entire site, including the car wash and auto lube areas.
- h. The operator shall post a sign on the exterior of the store displaying a 24-hour hotline telephone number to report nuisances to the store's corporate franchisers or owners.
- i. Sales of beer and wine shall be limited to no more than 20% of gross receipts. If such sales exceed 20% of gross receipts, the applicant shall be required to apply for a Modification of Approved Permit with Planning Commission Hearing to alter this condition of approval.
- j. Sales of single cans or containers of beer and wine shall be prohibited.
- k. The operator shall install and maintain in working order a security camera system, to the minimum standards specified by the Police Department for security camera systems.

12. These conditions of approval may be modified by the Director of Development Services to accommodate any necessary design changes.

**Standard Conditions:**

13. Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Director of Development Services.
14. 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.
15. 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.
16. 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).

17. 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.
18. The Director of Development Services is authorized to approve minor modifications to the approved design plans or to 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.
19. Any off-site improvements found to be damaged as a result of construction activities related to this project shall be replaced to the satisfaction of the Director of Public Works.
20. A permit from the Department of Public Works shall be required for any work to be performed in or over the public right-of-way.
21. Site development, including landscaping, shall conform to the approved plans on file with the Department of Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
22. 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).
23. Any graffiti found on site must be removed within 24 hours of its appearance.
24. The operator of the approved use shall prevent loitering in all parking and landscaping areas serving the use during and after hours of operation. The operator must clean the parking and landscaping areas of trash debris on a daily basis. Failure to do so shall be grounds for permit revocation. If loitering problems develop, the Director of Development Services may require additional preventative measures such as but not limited to, additional lighting or private security guards.
25. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
26. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for review and approval prior to the issuance of a building permit.

27. Prior to the issuance of a building permit, the applicant shall submit architectural, landscaping and lighting drawings for the review and approval of the Police Department for their determination of compliance with Police Department security recommendations. For more information, contact Sgt. Marander at (562) 570-5767.
28. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
29. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
30. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
31. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
  - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
  - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
  - c. Sundays: not allowed
32. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
33. 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.



# CITY OF LONG BEACH NOTICE OF EXEMPTION

DEPARTMENT OF DEVELOPMENT SERVICES  
333 W. OCEAN BLVD., 5<sup>TH</sup> 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, 5<sup>th</sup> Floor  
Long Beach, CA 90802

L.A. County Clerk  
Environmental Fillings  
12400 E. Imperial Hwy. 2<sup>nd</sup> Floor, Room 2001  
Norwalk, CA 90650

Categorical Exemption CE-10-019

Project Location/Address: 3525 E. Anaheim Street, Long Beach, CA 90804

Project/Activity Description: \_\_\_\_\_

Off-site sales of beer and wine at a new Circle K market (approximately 4,150 sq. ft.).

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

Applicant Name: Mr. Yoram Cohen

Mailing Address: 3525 E. Anaheim Street, Long Beach, CA 90804

Phone Number: (310) - 228 - 8088

Applicant Signature: \_\_\_\_\_

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1002-30 Planner's Initials: JK

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: Minor land use alteration for existing business

Contact Person: Craig Chaffant Contact Phone: 562-570-6368

Signature: [Signature] Date: 5/19/10