

CONDITIONAL USE PERMIT
4680 E. Los Coyotes Diagonal
Application No. 2208-26 (CUP22-030)
Date: October 6, 2022

1. The use permitted on the subject site, in addition to the other uses permitted in the CCA zoning district, shall be the off-site sale of beer, wine and distilled spirits at a new convenience market. This approval is for a Type 21 (Off Sale General) ABC license only. Any request to modify this ABC license shall require approval of the Planning Commission.
2. Within thirty (30) days from the approval of and acceptance the CUP and associated Conditions of Approval, the Applicant shall provide a copy of the CUP together with the Conditions of Approval to the local (or regional) office of the State Alcoholic Beverage Control Department.
3. This permit and all development rights hereunder shall terminate three years 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.
4. 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 form 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).

Operational Conditions

5. The subject location shall be maintained as a convenience market with alcohol sales consisting of beer, wine and distilled spirits, within an area no larger than 10% of the total square-feet of the premises. The premises shall continue to operate in accordance with the floor plan submitted and filed under Application No. 2208-26 with the Department of Development Services. The premises shall maintain the proposed food preparation area at approximately 421 square feet and continue to offer fresh food prepared on-site for the lifetime of the proposed business.
6. The applicant shall be responsible for maintaining the premises and adjoining sidewalks/walkways free of debris and litter on a daily basis.
7. No alcoholic beverages shall be consumed on the property, or on adjacent properties under control of the license, including the adjacent patio area. The operator shall be required to place signage within the subject premises and patio area prohibiting the consumption of any alcoholic beverages within the patio.

Alcohol Related Conditions

8. Sales of alcohol, including inspection of identification to verify age of purchaser, and observation of purchaser to ensure no sales to intoxicated persons, shall be completed by authorized employees of the licensee that are directly supervised by an employee aged at least 21 years.
9. There shall be no exterior advertising or signage of any kind or type, including advertising directed to or visible from the exterior of the establishment, promoting or indicating the availability of beer, wine or other alcoholic beverages. In order to prevent exterior visibility, any alcohol located along the interior of the front wall shall of the market shall not exceed the height of the existing windows. Furthermore, prior to the issuance of any Certificates of Occupancy for the tenant improvement of the proposed convenience market, the applicant shall be required to frost the windows of the interior alcohol cooler to prevent exterior visibility of alcohol, to the satisfaction of the Director of Development Services or his/her designee.
10. Prior to commencement of alcohol service, the applicant shall submit a plan for approval by the Director of Development Services regarding an employee alcohol awareness training program and policies. The plan shall outline a mandatory alcohol awareness training program for all employees having alcohol sales contact with the public and shall state management's policies addressing alcohol consumption and inebriation. The program shall require all employees having contact with the public to complete a California Department of Alcoholic Beverage Control (ABC) sponsored alcohol training program (e.g., "Leadership and Education in Alcohol and Drugs" (LEAD) within 90 days of the effective date of the Conditional Use Permit. In the case of new employees, the employee shall attend and complete the alcohol awareness program within 90 days of hiring. In the event ABC no longer sponsors an alcohol training program, all employees having contact with the public shall complete an alternative program as approved by the Director of Development Services. The Applicant shall provide the City with an annual report regarding compliance with this condition. This project shall be subject to any future City-wide alcohol awareness training program condition affecting similar establishments.
11. The operator shall maintain full compliance with all applicable laws (including laws dictating the location of the sale of alcoholic products), Alcohol Beverage Control 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.
12. There shall be no sales of beer or malt beverage products as singles less than 16 oz. at the licensed premises, except that of micro-brews and specialty malt products, sometimes referred to as "craft beer", sold under such designations as, for example but not limited to, Stout, Porter, India Pale Ale (IPA), English Special Bitters (ESB), and similar types (which are sold as singles by the supplier).
13. Wine shall not be sold in bottles or containers smaller than 187 ml. or 12-oz cans, unless such containers are in pre-packaged, multi-unit packs of two (2) containers or more.
14. The sales of beer or malt beverages in quantities of quarts, 22oz., 33oz., or 40oz., or similar size containers are prohibited, except as to those products referenced in

Condition 12.

15. There shall be no cups, glasses, or similar receptacles commonly used for drinking of beverages, sold, furnished, or given away at the applicant's premises in quantities of less than their original multi-container package, unless such items have been prepackaged for sale in combination with other items (i.e., picnic packs/gift baskets).
16. All beverages offered for sale at the premises shall be displayed and available for convenient inspection and purchase within the premises by the general public.
17. Hours of alcohol sales shall be limited from 6:00 am to 12:00 midnight daily to allow customers already in the store by 11:30 pm to complete their purchases.
18. All sales of alcoholic beverages shall be made within the premises.

Security Conditions

19. The operator shall provide exterior video security cameras of all entries and exits into the building. Cameras must record in color with output of at least four hundred eighty (480) lines resolution. Recordings shall be retained for no less than (30) days on an IP-configurable Digital Video Recorder (DVR) or digital storage setup with a public IP address. The surveillance system username and password shall be provided to the Long Beach Police Department. Neither this Condition nor the installation, existence, or operation of such cameras shall impose, be the basis of, or cause to arise in favor of anyone, a legal duty of the operator or any person or entity to monitor, observe, report, or take any action of any kind regarding whatever activities, actions, or omissions, said cameras may or may not capture, monitor, observe, or record.

Standard Conditions

20. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
21. Installation of any exterior newsstands shall be prohibited.
22. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted outside of the subject facility.
23. The operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking (if any) or other actions.
24. No exterior activity such as trash disposal, disposal of bottles or noise generating trash, deliveries, or other maintenance activity generating noise audible from the exterior of the building shall occur during the hours of 11:00 PM to 7:00 AM daily; provided, however, that deliveries may be made during these hours through the front doors of the premises. In addition, there shall be no outdoor cleaning of the property with pressurized or mechanical equipment during the hours of 9:00 PM to 7:00 AM daily. Trash containers shall be secured with locks.

25. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
26. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.
27. Any graffiti found on site must be removed within 24 hours of its appearance.
28. All conditions of approval must be printed verbatim on every set of plans submitted for plan review to the Department of Development Services.