



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194 FAX (562) 570-6068

April 3, 2014

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Approve a Conditional Use Permit (CUP) request to allow the sale of beer, wine and distilled spirits for off-site consumption (Type 21 license) at an existing convenience store located at 3397 Atlantic Avenue within the Commercial Community Automobile Oriented (CCA) District and accept Categorical Exemption 14-006. (District 7)

APPLICANT: Abdul Jamal Sheriff
Come "n" Go Market
3397 Atlantic Avenue
Long Beach, CA 90807
(Application 1401-20)

DISCUSSION

The subject site is a 1,272-square-foot commercial tenant space located at 3397 Atlantic Avenue within the Commercial Community Automobile Oriented (CCA) District (Exhibit A – Location Map). The unit is currently occupied by a convenience market selling beer and wine for off-site consumption (Type 20 license) (Exhibit B – Plans & Photographs). The property is improved with a 6,726-square-foot single-story neighborhood shopping center with five tenant spaces and 25 parking stalls. The applicant has operated the existing convenience market since November 2011 under a Conditional Use Permit (CUP) for a Type 20 license that was approved on June 7, 1984.

The applicant is seeking approval for a CUP to allow an upgrade of the existing Type 20 license to a Type 21 license (sale of beer, wine and distilled spirits for off-site consumption).

The CCA zoning district allows the sale of beer, wine and distilled spirits for off-site consumption as a conditional use. The proposed license upgrade does not expand the off-street parking requirements of the use, therefore the current off-street parking provided at the subject property meets the requirements of this application.

Section 21.52.201 of the zoning regulations requires that the use not be in a reporting district with an over concentration of alcohol sales, as recommended by the Department of Alcoholic Beverage Control (ABC) and that the use not be in a reporting district with a high crime rate as reported by the Long Beach Police Department (LBPD). In considering this application, staff found that the subject site is not in a high crime reporting district, and that

the subject census tract (5722.01) does not have an over-concentration of existing licenses (Exhibit C – Map of Existing ABC Licenses). LBPD has reviewed the request and has no objection to approval, subject to conditions (Exhibit D – Findings & Conditions).

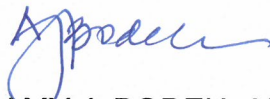
PUBLIC HEARING NOTICE

Public Hearing Notices were distributed on March 17, 2014, in accordance with the provision of the Zoning Ordinance and at the time of preparation of this report no responses were received.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 14-006) was issued for the proposed project (Exhibit E – Categorical Exemption).

Respectfully submitted,



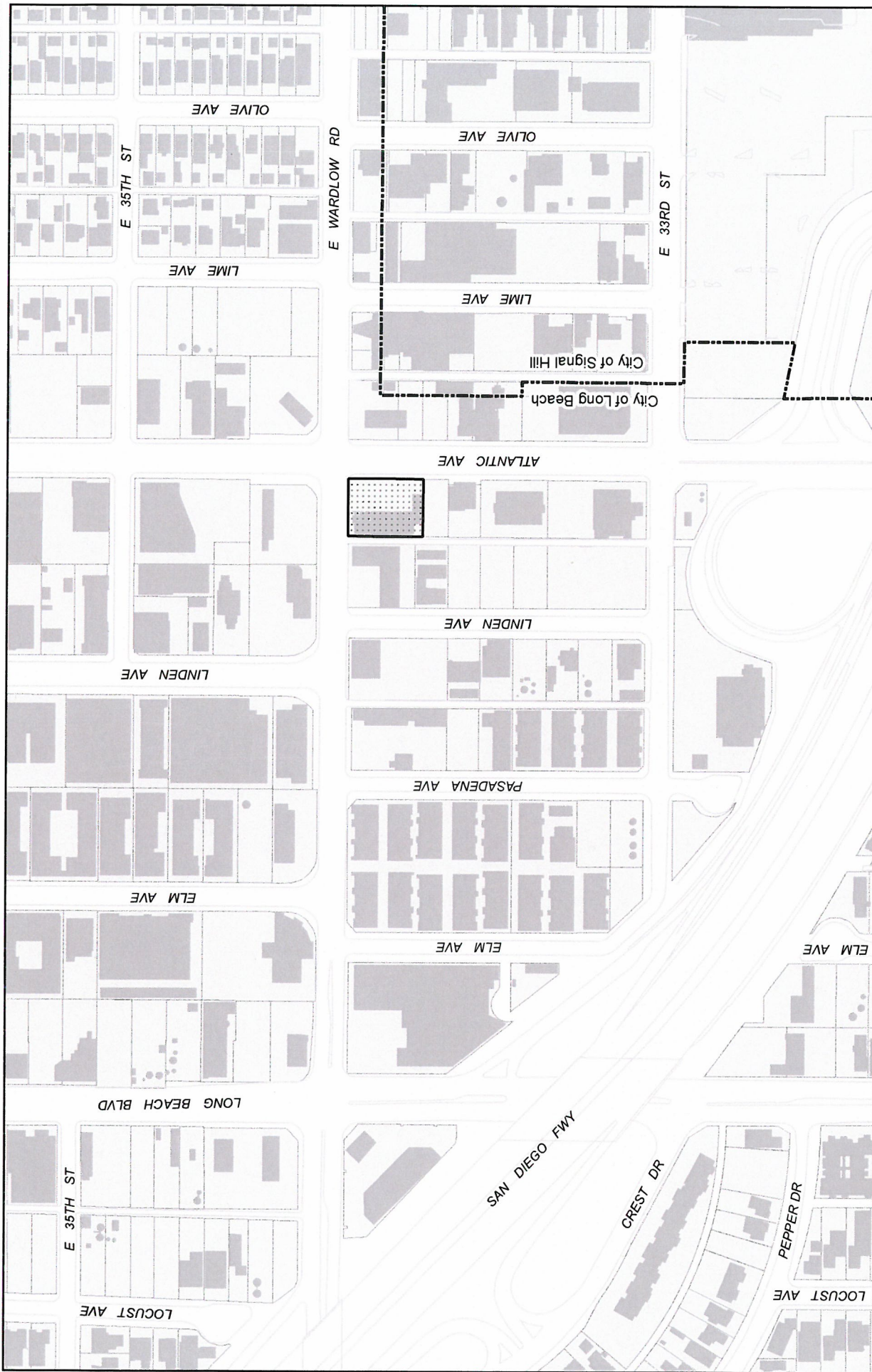
AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES



JEFF WINKLEPLECK
ACTING PLANNING ADMINISTRATOR

AJB:JW:bb

Attachments: Exhibit A – Location Map
 Exhibit B – Plans & Photos
 Exhibit C – Map of Existing ABC Licenses
 Exhibit D – Findings & Conditions
 Exhibit E – Categorical Exemption 14-006



Subject Property:
3397 Atlantic Ave
Application No. 1401-20
Council District 7
Zoning Code : CCA

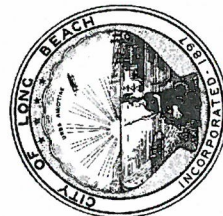


Exhibit A

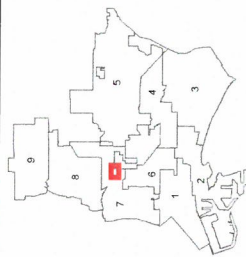


Exhibit B: Photos and Plans





CONDITIONAL USE PERMIT FINDINGS

3397 Atlantic Ave.

Case No. 1401-20

April 03, 2014

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 subject property is located in General Plan Land Use District #8M – Mixed Office/Residential Strip District (LUD #8M) and the Commercial Community Automobile-Oriented (CCA) zoning district. LUD #8M is intended to encourage a mix of free-standing office and residential buildings, with ground floor retail uses on major streets and corridors. The CCA zone permits retail and service uses, including convenience shopping, on major and minor arterial streets. The off-site sale of alcoholic beverages is permitted at an existing convenience market through a Conditional Use Permit (CUP). The project is consistent with all other development standards of the CCA.

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

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE 14-006) was prepared for this project. The project does not include any physical expansion of the building and conditions of approval are included to ensure the mitigation of any potential impacts. Conditions include the prevention of nuisances and loitering.

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

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 proposed project does not expand the off-street parking requirements of the existing use, therefore the current off-street parking provided at the subject property meets the requirements of the proposed project.

- 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 LBPD on this application. Conditions of Approval #6 and #8 require the operator of the use provide night lighting and other security measures, including video surveillance to the satisfaction of the Chief of Police.

- 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;**

Condition of Approval #18 will require the operator to prevent loitering and other related nuisance activity during hours of operation.

- 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**

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 (5722.01) as well as the total number of reported crimes in the subject Police Reporting District.

Section 21.52.201 of the zoning regulations requires that the use not be in a census tract with an over-concentration of alcohol sales, as recommended by the California Department of Alcohol Beverage Control (ABC), and that the use not be in a reporting district with a high crime rate as reported by the Long Beach Police Department. The subject property is not located in an over-concentration census tract or in a high reporting district per LBPD.

- 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 convenience market is not located within 500 feet of a public school or public park.

CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

3397 Atlantic Ave.

Application No. 1401-20

April 3, 2014

1. The use permitted on the subject site shall be a convenience market with a Type 21 License permitting the sale of beer, wine and distilled spirits for off-site consumption.
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. Off-premise liquor sales shall end at 11:00 PM daily.
5. The market shall provide a substantial portion of the product display area for the sale of fresh fruits, vegetables, flowers, canned goods and the like.
6. Exterior lighting shall clearly illuminate the common areas surrounding the building including but not limited to the entrance and exit doors, as well as the business address. Lighting should be positioned to discourage homeless people from sleeping.
7. Street address shall be clearly posted on the street side of the main building, visible from the street.
8. A video surveillance system shall be installed to assist with monitoring the property on both the interior and exterior. A Digital Video Recorder (DVR), capable of exporting images in TIFF, BMP, or JPG format, shall be used. Recording shall be retained for no less than 30 days.
9. 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. Interior displays of alcoholic beverages or

signs, which are clearly visible to the exterior, shall constitute violation of this condition.

10. Windows shall not be obscured by placement of signs, shelving, racks, coolers or similar obstructions.
11. There shall be no single sales of beer or malt beverage products, except that of micro-brews and specialty malt products sold under such designations as Stout, Porter, India Pale Ale (IPA) and English Special Bitters (ESB), which are sold as singles by the supplier may be sold as singles at the licensed premises.
12. No beer or malt beverage products shall be sold, regardless of container size, in packages of less than three per sale, except those specifically listed above.
13. No wine shall be sold in bottles or containers smaller than 750ml, other than dessert wines in 375 ml bottles, and wine coolers shall not be sold in quantities of less than four (4) per sale.
14. No alcoholic beverages shall be consumed on any property adjacent to the premises under the control of the licensee.
15. Possession of alcoholic beverages in open containers and the consumption of alcoholic beverages is prohibited on or around the premise.
16. Installation of any exterior newsstand and vending machines shall be prohibited.
17. Video or coin operated games and the like shall be prohibited on site so as to discourage loitering on the premises.
18. The operator of the approved use shall prevent loitering, loud noises and nuisance activity around the project site, and in all parking areas serving the use during hours of operation.
19. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
20. No sales to any person appearing to be or actually being intoxicated shall be allowed.
21. 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.

Standard Conditions:

22. 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.
23. 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.
24. 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).
25. 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.
26. The Director of Development Services is authorized to make minor modifications to the approval design plans or the 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.
27. 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).
28. Any graffiti found on site must be removed within 24 hours of its appearance.
29. 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.



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
 llds.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- 14-006

Project Location/Address: 3397 ATLANTIC AVE, Long BEACH, CA 90807

Project/Activity Description: PROPOSING TO UPGRADE EXISTING TYPE 20
to TYPE 21 - LIQUOR - BEER, WINE, DISTILLED SPIRITS

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

Applicant Name: ABDUL GANAL SHERIFF DBA COME 'N' GO MARKET

Mailing Address: 3397 ATLANTIC AVE, Long BEACH, CA 90807

Phone Number: 310-23-1165-Cell Applicant Signature: [Signature]
562-988-8591-Bus

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1401-20 Planner's Initials: BS

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 Addition to existing market.

Contact Person: Brent Birkeland Contact Phone: (562) 570-689

Signature: [Signature] Date: 3/17/14