

**CONDITIONAL USE PERMIT  
CONDITIONS OF APPROVAL**

**8145 E Wardlow Rd  
Application No. 1905-24 (CUP19-017)  
August 1, 2019**

1. The use permitted on the subject site, in addition to the other uses permitted in the CCA Zoning District, shall be to allow the sale of alcoholic beverages for off-site consumption (Type 21 License) at a food retail store located at 8145 E Wardlow Rd.
2. This permit and all development rights hereunder shall terminate two 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 two-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. 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.
5. 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.
6. Installation of any exterior newsstands and vending machines shall be prohibited.
7. 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.
8. No alcoholic beverages shall be consumed on the property, or on adjacent properties under control of the licensee.

9. No sales to any person appearing to be or being intoxicated shall be allowed.
10. All sales of alcohol shall be directly supervised by an authorized employee of the licensee, at least 21 years old, including inspection of identification to verify age of purchaser, and observation of purchaser to ensure no sales to intoxicated persons.
11. There shall be no 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, sold as singles at the licensed premises.
12. The grocery store shall provide an assortment of "Healthy Food" products at all times or be consistent with the City of Long Beach programs as recommended by the Long Beach Health Department.
13. Wine shall not be sold in bottles or containers smaller than 750 ml. other than dessert wines in 375 ml. bottles, and wine coolers shall not be sold in quantities of less than four per sale.
14. A numbering address sign shall be located at the front of the building, to the satisfaction of the Long Beach Police Department.
15. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
16. The operator shall install exterior video security cameras at the front and rear of the business with full view of the public right-of-way and shall install exterior security video cameras that provide full view of any areas where the operator provides parking for its patrons. The cameras shall record video for a minimum of 30 days and be accessible via the Internet by the LBPD. A Public Internet Protocol (IP) address and user name/password to allow the LBPD to view live and recorded video from the cameras over the Internet are also required. All video security cameras shall be installed to the satisfaction of the Police Chief, Director of Technology & Innovation, and Director of Development Services.
17. The operator/owner/tenant shall prevent loitering and loud noises around the project site during hours of operation. 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.
18. All employees hired to sell alcoholic beverages shall provide evidence that they have either:

- a. Completed training from the State of California Department of Alcoholic Beverage Control "Leadership and Education in Alcohol and Drugs" (LEAD) Program as confirmed by receipt of an ABC-issued certificate of completion; or
- b. Completed equivalent training acceptable to the ABC District Office to ensure proper distribution of beer, wine, distilled spirits, tobacco, and inhalants to adults of legal age.

If any prospective employee designated to sell alcoholic beverages, tobacco or inhalants does not currently have such training then:

- c. The ABC-licensed proprietors shall have confirmed with the Department of Development Services within 15 days of the final approval of the CUP or within 15 days of the opening to the public of a new store, whichever is later, that a date certain has been scheduled with the local ABC Office for said prospective employees to take the LEAD Program course; and
  - d. Within 30 days of taking said course the employee(s) or responsible employer shall deliver to the Planning Bureau each required LEAD Program Certificate evidencing completion of said course.
- 19. Deliveries shall be limited to non-peak hours, generally between 9:00 a.m. and 6:00 p.m.
  - 20. All commercial vehicle delivery trucks must use commercial streets for deliveries.
  - 21. The sales of beer or malt beverages in quantities of quarts, 22 oz., 32 oz., or 40 oz., or similar size containers are prohibited.
  - 22. 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 pre-packaged for sale in combination with other items (i.e., picnic packs/gift baskets).
  - 23. 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.
  - 24. All sales of alcoholic beverages shall be made within the premises.
  - 25. The operator shall provide night lighting as a security measure to the satisfaction of the Chief of Police.

**Standard Conditions:**

26. 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.
27. 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.
28. 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).
29. 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.
30. 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.
31. 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).
32. Any graffiti found on site must be removed within 24 hours of its appearance.
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.

# **CONDITIONAL USE PERMIT FINDINGS**

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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 site is in General Plan Land Use District No.8N (Shopping Nodes) and within the CCA (Community Auto-Oriented Commercial) Zoning District. The Land Use designation of LUD No. 8N is created to accommodate retail and service uses in small clusters with the intent to serve adjacent neighborhoods. The subject site is consistent with the LUD No. 8N as the current use of the subject property is a shopping center with neighborhood-serving commercial uses.

The CCA Zoning District allows the off-site sale of alcoholic beverages subject to the approval of a Conditional Use Permit (CUP). A CUP is consistent when it carries out the intent of the land use district in which it is located, and otherwise complies with the applicable Zoning Regulations. As the current improvements on the project site meet the intent of Land Use District No. 8N by providing a neighborhood-serving retail establishment, the sale alcohol will not alter the integrity of the existing use. Furthermore, the project site does comply with all applicable Zoning Regulations.

**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**

The proposed sale of alcohol beverages for off-site consumption at the project site is not expected to adversely impact the general welfare and quality of life within the surrounding community. As the alcohol will serve as an accessory component to the retail use, operational Conditions of Approval are incorporated to prevent nuisance activity and behavior. These conditions include prohibition of loitering, installation of security equipment, and prevention of the sale of single containers of beer. Staff also has the ability to conduct periodic inspections of the project site to ensure proper operation and maintenance of the establishment.

**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 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 previous use as to legal nonconforming rights.**

The project site is located at an existing shopping center. The required parking for a shopping center is a rate of 5 per 1,000 square feet of gross floor area. The shopping center is 70,616 square feet in size and requires 354 parking. The site currently has 398 parking spaces, which meets the required parking standard.

- B. The operator of the use shall provide night lighting and other security measures to the satisfaction of the Chief of Police.**

As conditioned, the project site is ensured to provide adequate security lighting along with security cameras 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.**

As conditioned, the applicant shall be required to prevent loitering or other activity in the parking lot.

- 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.**

The project is located within Police Reporting District 692. The crime rate for this reporting district is 73, where 115 is the threshold for high crime.

The project site is located within Census Tract 555.02, in which a maximum number of two establishments serving alcohol are permitted. The Census Tract currently has zero establishments with ABC alcohol licenses.

Therefore, this application results in meeting the license concentration and crime findings.

- 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 shopping center is not located within 500 feet of a public school or public park.