

**CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL
739 E. Anaheim Street
Application No. 1806-23 (CUP18-016)
Date: August 6, 2020**

1. The use permitted on the subject site, in addition to the other uses permitted in the Community Auto-Oriented (CCA) District, shall be the sale of beer and wine for off-site consumption at a newly constructed grocery store of 18,504 square feet of net building area (20,848 gross square feet). Application No. 1806-23 also includes the renovation of East Anaheim Plaza (in which the new grocery store is included), in conjunction with Site Plan Review No. SPR18-035. Development of the new grocery store shall conform to plans submitted and filed under Application No. 1806-23/SPR18-035, dated June 3, 2020. All Conditions of Approval from SPR18-035 shall remain applicable. Prior to the issuance of any alcohol licenses, construction plans submitted for plan check shall match plans approved by the Site Plan Review Committee. Furthermore, color elevations shall be included in the construction document submittal package. Any proposed deviation in plans approved by the Site Plan Review Committee shall require the approval of a Modification to an Approved Permit, prior to any business license issuance for beer and wine sales.
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 three-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 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 grocery store with alcohol sales consisting of beer and wine.
6. The applicant shall be responsible for maintaining the premises and adjoining sidewalks free of debris and litter.
7. No alcoholic beverages shall be consumed on the property, or on adjacent properties under control of the license.

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 license 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.
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, except that of micro-brews and specialty malt products sold under such designations as Stout, Porter, India Pale Ale (IPA), English Special Bitters (ESB), and similar types, sold as singles at the licensed premises.
13. Wine shall not be sold in bottles or containers smaller than 750 ml. or in 12-oz cans, other than dessert wines in 375 ml. Bottles, and wine coolers shall not be sold in quantities of less than four per sale.
14. The sales of beer or malt beverages in quantities of quarts, 22oz., 33oz., or 40oz., or similar size containers are prohibited.
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 7:00 am to 11:30 pm daily to allow customers already in the store by 11 pm to complete their purchases. The applicant shall be allowed to apply for a Modification of the hours of alcohol sales after a time period of six months from the date of approval of a business license for alcohol sales.
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. Applicant shall defend, indemnify, and hold harmless, the City and its boards, commissions, agents, officers, and employees (collectively "City") from any claims, actions, or proceedings (individually referenced as "Claim" and collectively referred to as "Claims") filed against the City to attack, set aside, void, or annul the approval of the subject CUP or related entitlements, or any Claims brought against the City due to acts or omissions in any way connected to the Applicant's project. City shall promptly notify the Applicant of any Claim and shall cooperate in the defense of the Claim. Applicant shall be responsible to pay any and all costs of defending any claims brought against the City including any and all costs, including attorney's fees, incurred by the City in defense of the Claim or Claims.
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.