

**CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL**

2938 Clark Avenue

Application No. 2107-27 (CUP21-015)

Date: October 21, 2021

1. This Conditional Use Permit approval is to allow off-site alcohol sales (Type 20 – Beer and Wine) in conjunction with a deli market within an existing 1,075-square-foot commercial space located at 2938 Clark Avenue within the Neighborhood Automobile-Oriented (CNA) Zoning District.
2. 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.
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 alcoholic beverage display area shall be limited to 162 square-feet (15% of floor area) within the retail floor area of the tenant space as indicated on approved plans. This area includes floor displays, cabinet displays, and beer coolers areas and does not include back of house storage or walk-in cooler.
5. No alcohol sales shall be displayed within five feet of any window.
6. The proposed project shall conform to the site plan, as shown on plans reviewed by the Planning Commission on October 21, 2021; except as modified by the subject conditions of approval.
7. Any expansion of the alcohol sales area shall be subject to a modification to the Conditional Use Permit.
8. Window signage is limited to ten (10) percent of each window area; the remaining window area (comprised of all windows including all storefront glazing) shall remain free of signage or other obstructions. Window signs displaying prices or alcohol sales shall be prohibited.
9. Installation of any exterior newsstands and vending machines shall be prohibited.
10. Video or coin-operated games and the like shall be prohibited on site so as to discourage loitering on the premises.

11. 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 a violation of this condition.
12. The permittee shall maintain full compliance with all applicable laws, Alcoholic Beverage Control (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.
13. The permittee shall not sell alcohol to any persons who appear to be or are actually intoxicated.
14. 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 purchase to ensure no sales to intoxicated person.
15. There shall be no single sales of beer or malt beverage products, except those of micro-brews, craft beer, and specialty malt or imported products sold under such designations as Stout, Porter, India Pale Ale (IPA) and English Special Bitters (ESB), which are sold as singles at the licensed premises.
16. The sales of beer or malt beverages in quantities of 32oz., 40oz., or similar size container are prohibited. No beer or malt beverage products shall be sold, regardless of container size, in packages of less than three per sale, except that of micro-brews or craft beer and those specifically listed in Condition #15 above.
17. Sale of delivery services of alcohol shall adhere to requirements set forth by the Department of California State Alcoholic Beverage Control.
18. Wine shall not be sold in bottle or containers smaller than 375 ml, except for that of boutique or independently owned or regional wineries. Wine coolers shall not be sold in quantities of less than four per sale.
19. Hours of alcohol sales shall be limited from 8:00am to 10:00pm Monday – Sunday.
20. A numbering address shall be located at the front of the shop, to the satisfaction of the Long Beach Police Department.
21. All sales of alcoholic beverages shall be made within the premises. This condition is not intended to limit curbside pick-up or delivery of items sold at the establishment, including alcoholic beverages sold on the premises.
22. There shall be no amplified music on the premises at any time.

23. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
24. 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, the applicant shall work with the Director of Development Services and Police Department to implement alternative measures to deter loitering, which may include, but is not limited, to requiring additional lighting or a security guard. Continual problems with loitering, which increase the calls for services at the business may result in revocation of the Conditional Use Permit.
25. Any and 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.
26. The ABC-licensed proprietors shall have confirmed with the Development Services Department within 15 days of the final approval of the Conditional Use Permit or within 15 days of the opening of the subject establishment, 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 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.
27. Deliveries shall be limited to non-peak hours, generally between 9:00 am and 6:00 pm on no more than two occasions per week. The use of 18-wheel trucks for deliveries is prohibited.
28. All beverages offered for sale shall be displayed and available for convenient inspection and purchase within the premises by the general public.
29. Trash shall not be emptied into outside trash containers between the hours of 10:00 pm and 7:00 am.
30. At no time shall alcohol be consumed outside the store. No alcoholic beverages shall be consumed on any property adjacent to the premises under the control of the licensee or outside of the tasting area boundary. This condition is not intended to limit curbside pick-up or delivery of items sold at the establishment, including alcoholic beverages sold on the premises.
31. Exterior lighting should 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 shall also be positioned in such a way to discourage loitering or sleeping in the parking lot.

32. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the business owner 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)
33. 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.

Security Conditions:

34. 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:

35. The applicant shall be responsible for maintaining the premises and adjoining sidewalks free of debris and litter.
36. 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.
37. 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.
38. 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 subsequent reference page.

39. 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).
40. The Director of Long Beach Development Services is authorized to make minor modifications to the approved 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.
41. 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).
42. 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.