



R-33

James Johnson
City of Long Beach
Councilmember, Seventh District

Date: October 19, 2010
To: Honorable Mayor and Members of the City Council
From: Councilmember James Johnson, Seventh District
Subject: Original Alcoholic Beverage Control License for Walgreen Company dba Walgreen's, at 3570 Atlantic Avenue; with conditions.

RECOMMENDATION:

Recommend approval for ABC License for Walgreen's, at 3750 Atlantic Avenue, with the Conditional Use Permit Conditions of Approval dated July 15, 2010 as well as the following condition(s):

1. Sales of alcoholic beverage shall take place only between 10:00 am and 10:00 pm. Any extension of Walgreen's current hours of operation shall not extend the sale of alcoholic beverages.
2. The petitioner(s) shall be responsible for maintaining the foliage and keeping free of litter the premises and the area adjacent to the licensed premise over which they have control, including weed abatement.
3. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee shall be removed or painted over within 24 hours of being applied.

CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

3570 Atlantic Avenue
Application No. 1002-11
Date: July 15, 2010

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 beer and wine for off-site consumption (Type 20 License) at an existing Walgreen's located at 3570 Atlantic Avenue.
2. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced or 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. All Conditions of Approval from Applications 0112-16 shall remain in effect unless otherwise specified herein and any other applicable applications. If individual conditions from said entitlements are superseded by more restrictive conditions from this subject permit, the more restrictive condition (s) shall take precedence.
5. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
6. The windows of the store shall be maintained free of signage or other obstructions in excess of 10% of each window area. Window signs displaying prices shall be prohibited.
7. Installation of any exterior newsstands and vending machines shall be prohibited.
8. Video or coin operated games and the like shall be prohibited on site so as to discourage loitering on the premises.

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9. 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.
10. The beer and wine sales shall be limited to six coolers area including one interior display area as per the floor plan dated July 15, 2009 and shall not be expanded.
11. The operator of the approved use shall prevent loitering and loud noises around the project site, and in all parking areas serving the use during and after hours of operation.
12. The sale of alcoholic beverages as single cans and bottles shall be prohibited.
13. No exterior advertising promoting or indicating the availability of alcoholic beverages.
14. No alcoholic beverages shall be consumed on the property, or on adjacent properties under control of the licensee.
15. No sales to any person appearing to be or actually being intoxicated shall be allowed.
16. Licensee shall take all reasonable measures to prohibit and prevent any loitering on the premises.
17. 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.
18. No beer or malt beverages shall be sold, regardless of container size, in quantities of less than three per sale.
19. No pay phones shall be maintained on the interior of the premises.
20. The sale of beer or malt beverages in quantities of quarts, 22, oz, 32 oz, 40 oz, or similar size is prohibited.
21. Wine shall not be sold in bottles or containers smaller than 750 ml. other than dessert wines in 375 ml. bottles.

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 approve minor modifications to the design 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 or Planning Commission.
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

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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.