



CITY OF LONG BEACH

OFFICE OF THE CITY CLERK

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-6101 •

May 26, 2016

Mr. Vincent Cravens
District Administrator
Department of Alcoholic Beverage Control
3950 Paramount Boulevard, Suite No. 250
Lakewood, California 90712

Re: Application of Smart & Final Stores, LLC, dba Smart & Final 745, to Determine the Application Serves the Public Convenience and Necessity for a premise-to-premise transfer of an Alcoholic Beverage Control License, located at 4480 Atlantic Avenue.

Dear Mr. Cravens:

At its Tuesday, November 17, 2015 meeting the Long Beach City Council voted to file a protest with the Department of Alcoholic Beverage Control concerning the subject application. Enclosed is a copy of the protest letter, which indicated that the City Council also approved withdrawing the protest if no appeal was filed concerning the required Conditional Use Permit within the 10-day appeal period for the CUP.

At its Thursday, May 5, 2016 meeting the Planning Commission approved the CUP with the attached conditions.

Please be advised that the Long Beach City Council, by this letter, is officially withdrawing its protest for the subject application for Smart & Final Stores, LLC, dba Smart & Final 745.

The City of Long Beach thanks you for your assistance in this matter.

Respectfully submitted,


MARIA DE LA LUZ GARCIA
CITY CLERK

Prepared by:
Pablo Rubio

Attachment

cc: Al Austin, Councilman, Eighth District
Mayor
City Prosecutor
Police Department (2) Chief & Vice
Referral File
FAX forwarded to ABC, (562) 982-1396

EXHIBIT D

CONDITIONS OF APPROVAL

4480 Atlantic Avenue
Application No. 1602-25
May 5, 2016

Special Conditions:

1. This Conditional Use Permit approval shall allow for the sale of beer, wine, and distilled spirits for off-site consumption (under a Type 21 ABC License) at a new 30,024 square-foot Smart & Final supermarket.
2. Alcohol sales shall be limited to the hours of 6:00 am to 12:00 am, daily.
3. No signage or advertising for alcoholic products shall be allowed on the exterior of the store, or in the store windows, or within six feet of the store windows and visible from the exterior of the store, or in the parking lot outside the store. In any case, no more than 10 percent of the area of each window shall be used for signage.
4. 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 vagrant persons from sleeping on the premises. Metal halide or other similar bulbs, which emit a white light spectrum, should be used. Low- or high-pressure sodium lighting and mercury-vapor lamps should be avoided.
5. The store's address shall be clearly posted on each building frontage so as to be visible from Atlantic Avenue and 45th Street.
6. 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 video in uncompressed non-proprietary AVI file, and images in TIFF, BMP, or JPG format, should be used. A minimum resolution of 640 x 480 pixels is required, with a full 1080p HD resolution preferred. Recordings should be retained for no less than 30 days.
7. Windows shall not be obscured or blocked by placement of signs, shelving, racks, coolers, boxes, or similar obstructions. No merchandise shall block windows unless it is oriented to the exterior as a storefront window display.
8. Alcoholic beverages shall not be consumed inside the store premises or outside on the subject property, and possession of open containers of alcohol shall be prohibited. The only exception shall be for tasting purposes inside the store, as allowed under the appropriate license type from the Department of Alcoholic Beverage Control (ABC). Such license shall be obtained by the operator prior to any tasting taking place, and said license shall be maintained in good standing as long as any tasting is to take place at the store premises.

9. Installation of exterior newsstands or vending machines shall be prohibited, and any existing ones shall be removed.
10. Any exterior on-site recycling or donation bins or machines shall be prohibited, and any existing ones shall be removed.
11. Video or coin operated games and the like shall be prohibited on site so as to discourage loitering on the premises.
12. Publicly accessible telephones on the exterior of the premises shall be prohibited. Any existing publicly accessible telephones shall be removed.
13. The operator of the approved use shall prevent loitering, loud noises and nuisance activity around the subject site, and in all parking areas serving the use, during hours of operation.
14. No sales to any person appearing to be or actually being intoxicated shall be allowed.
15. 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.
16. All exterior lighting systems shall be repaired and upgraded to the satisfaction of the Director of Development Services. All exterior lighting systems shall be maintained in good working condition. Lights shall be appropriately shielded to prevent intrusion of light and glare onto adjacent properties or the public right-of-way.
17. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
18. All exterior trash containers shall be properly stored and secured in an approved trash receptacle storage area.

Standard Conditions:

19. 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.

20. 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).
21. 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.
22. 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.
23. 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).
24. 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.
25. The Director of Development Services is authorized to approve minor modifications to the approved design plans or the any of the conditions of approval if such modifications shall not significantly change or alter the approved design and project. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
26. 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).
27. Any graffiti found on site must be removed within 24 hours of its appearance.

28. 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.



CITY OF LONG BEACH

OFFICE OF THE CITY CLERK

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-6101 •

November 18, 2015

Mr. Vincent Cravens
District Administrator
Department of Alcoholic Beverage Control
3950 Paramount Boulevard, Suite No. 250
Lakewood, California 90712

Re: Application of Smart & Final Stores, LLC, dba Smart & Final 745, to Determine the Application Serves the Public Convenience and Necessity for a premise-to-premise transfer of an Alcoholic Beverage Control License, at the southeast corner of Atlantic Avenue and 45th Street.

Dear Mr. Cravens:

Please be advised that the Long Beach City Council, at its meeting held Tuesday, November 17, 2015 approved the request to file a protest regarding the subject application based on the fact that licensing the premises would be contrary to City of Long Beach zoning ordinances, since a Conditional Use Permit (CUP) is required.

The City Council also approved the City Manager to withdraw the protest if the City's Planning Commission approves the CUP and if no appeal is made during the 10-day appeal period for the CUP. It is anticipated that the CUP will be acted upon by the Planning Commission, and once the appeal period has elapsed, a letter will be transmitted to ABC withdrawing the City's protest.

At the same meeting, the Long Beach City Council took the concurrent action to determine and find that the subject application would serve the public convenience and necessity.

Enclosed is a copy of the City Council documentation and a certified excerpt of the minutes for your file. The City of Long Beach thanks you for your assistance in this matter.

Respectfully submitted,

MARIA DE LA LUZ GARCIA
CITY CLERK

Prepared by:
Megan Wiegelman

Attachment

cc: Al Austin, Councilman, Eighth District
Mayor
City Prosecutor
Police Department (2) Chief & Vice
Referral File
FAX forwarded to ABC, (562) 982-1396



CITY OF LONG BEACH

R-23

POLICE DEPARTMENT

400 WEST BROADWAY LONG BEACH CALIFORNIA 90802

Robert G. Luna
Chief of Police

November 17, 2015

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the application of Smart & Final Stores, LLC, dba Smart & Final 745, for a Premise-to-Premise transfer of an Alcoholic Beverage Control license, at the southeast corner of Atlantic Avenue and 45th Street, determine that the application serves the public convenience and necessity, submit a Public Notice of Protest to ABC, and direct the City Manager to withdraw the protest if a Conditional Use Permit is granted. (District 8)

DISCUSSION

It is City Council policy to review applications for Alcoholic Beverage Control licenses to determine if a basis for protest against the issuance of the license exists. The attached application lists the possible bases for protest. This establishment was previously Orchard Supply Hardware and occupied the building with an address of 4480 Atlantic Avenue. The new business will not occupy the entire space and a new address will be issued.

TIMING CONSIDERATIONS

The Department of Alcoholic Beverage Control (ABC) received the above application on October 19, 2015. The applicant is still in the planning stage, and has not yet received a Conditional Use Permit (CUP). City Council response is due to ABC by December 8, 2015. Provided the Planning Commission approves the CUP, the recommendation includes a request to direct the City Manager to withdraw the Public Notice of Protest.

FISCAL IMPACT

None.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

ROBERT G. LUNA
CHIEF OF POLICE

APPROVED:

PATRICK H. WEST
CITY MANAGER

ADMINISTRATION BUREAU
(562) 570-5830
FAX (562) 570-5833

FINANCIAL BUREAU
(562) 570-7447
FAX (562) 570-5833

INVESTIGATIONS BUREAU
(562) 570-7350
FAX (562) 570-5837

PATROL BUREAU
(562) 570-7214
FAX (562) 570-7058

SUPPORT BUREAU
(562) 570-7342
FAX (562) 570-6018

HONORABLE MAYOR AND CITY COUNCIL

November 17, 2015

Council District: 8

Applicant: Smart & Final Stores, LLC
DBA: Smart & Final 745
Address: SEC Atlantic Avenue and 45th Street

Type of Application: A premise-to-premise transfer of an Off-Sale General license.

Bases for possible protest: High crime.
Over concentration
Licensing this premise would be in contrary to Long Beach Zoning Ordinances.

PUBLIC CONVENIENCE DETERMINATION: A determination by the City of public convenience and necessity **is** required for this application.

Census Tract: 5715.02

Boundaries: Union Pacific Railroad to the North
San Antonio Drive to the South
Orange Avenue to the East
Atlantic Avenue to the West

Number of licenses allowed: 3
Number of licenses existing: 5

Police Reporting District: 333

Boundaries: Union Pacific Railroad to the North
San Antonio Drive to the South
Orange Avenue to the East
Atlantic Avenue to the West

Reported crimes in this district for ABC purposes are 187. Crime in a reporting district must be at least 149 to qualify for a high crime protest.

Type of business: A grocery store.

Last day to request
conditions and protest: December 8, 2015



Date: November 17, 2015
To: File
From: Laurie Barajas, Detective, Vice Investigations Section
Subject: **SMART & FINAL 745 – SEC ATLANTIC AVENUE & 45TH STREET**

CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (10/19/14 to 10/19/15)

2	Custom	Customer Dispute	Advised/Civil
1	484	Petty Theft	Will File Later
1	459A	Audible Burglary Alarm	Bad Order, Alarm

*All the calls for service were to the previous business.

ABC INSPECTIONS (past three years)

Not Applicable

RESIDENCES WITHIN 100 FEET

None

CHURCHES, SCHOOLS, PARKS, HOSPITALS AND PLAYGROUNDS WITHIN 600 FEET

None

LBB:ibb
CFSmemoSmartandFinal

AN EXCERPT FROM THE MINUTES OF
THE LONG BEACH CITY COUNCIL MEETING
HELD TUESDAY, NOVEMBER 17, 2015

REGULAR AGENDA: (07:03 PM)

23. (15-1188) Recommendation to receive the application of Smart & Final Stores, LLC, dba Smart & Final 745, for a premise-to-premise transfer of an Alcoholic Beverage Control License, at the southeast corner of Atlantic Avenue and 45th Street, determine that the application serves the public convenience and necessity, submit a Public Notice of Protest to ABC, and direct City Manager to withdraw the protest if a Conditional Use Permit is granted. (District 8) (09:08 PM)

Suggested Action: Approve recommendation.

Councilman Austin spoke.

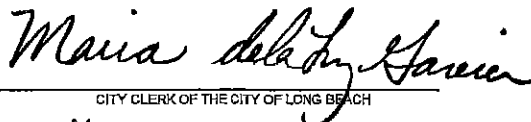
Motion: Approve recommendation.

Moved by Councilman Austin, seconded by Councilwoman Gonzalez.

Vote: Approve recommendation.(Carried 9-0)

Yes: Councilwoman Gonzalez, Vice Mayor Lowenthal, Councilwoman Price, Councilmember Supernaw, Councilwoman Mungo, Councilman Andrews, Councilmember Uranga, Councilman Austin, and Councilmember Richardson.

CERTIFIED AS A TRUE AND CORRECT COPY


CITY CLERK OF THE CITY OF LONG BEACH

DATE: November 18, 2015

Pablo Rubio

From: Fax2Mail Powered by EasyLink Services <reports@reply.fax2mail.com>
Sent: Thursday, May 26, 2016 12:30 PM
To: Pablo Rubio
Subject: ABC License Letter withdrawing protest - dba Smart & Final 745, 4480 Atlantic Avenue

MAIL2FAX DETAILED DELIVERY REPORT

Attention	DLA Admin
Job Number	1508816682
Sent By User	F2M/37283576077
Entered Fax2Mail System	05/26 12:24
Report Generated	05/26 12:29
Subject	ABC License Letter withdrawing protest - dba Smart & Final 745, 4480 Atlantic Avenue
Page Count	11 (including cover sheet)

SUMMARY

Sent: 1	Errors: 0	Cancelled: 0
Total: 1		

Destination	Status	Date	Time	Num. Retries
5629821396	SENT	05/26	12:29	1