



CITY OF LONG BEACH

DEPARTMENT OF CITY CLERK

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-6101 • FAX (562) 570-6789

October 20, 2010

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

Re: Application of Walgreen Company, dba Walgreens, to Determine the Application Serves the Public Convenience and Necessity for an original Alcoholic Beverage Control License at 3570 Atlantic Avenue, with conditions (District 7)

Dear Mr. Cravens:

Please be advised that the Long Beach City Council, at its meeting held Tuesday, October 19, 2010 received and filed the subject application, with conditions.

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 the memorandum from James Johnson, Councilmember for the Seventh District, containing the requested conditions. Our request is that the conditions be applied to the license as applicable under ABC rules and regulations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Larry Herrera".

LARRY G. HERRERA
CITY CLERK

Prepared by:
Nancy Muth

Attachment

Cc: James Johnson, Councilmember, Seventh District
City Prosecutor
Police Department (2) Chief & Vice
Referral File
FAX forwarded to ABC, (562) 982-1396



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.

Conditions of Approval

Case No. 1002-11

Date: July 15, 2010

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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

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.



CITY OF LONG BEACH
POLICE DEPARTMENT

R-33

400 WEST BROADWAY • LONG BEACH • CALIFORNIA 90802 • (562) 570-7260 • FAX (562) 570-7114

Jim McDonnell
Chief of Police

October 19, 2010

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Determine that the application serves the public convenience and necessity, and receive and file the application of Walgreen Company, dba Walgreens, for an original Alcoholic Beverage Control license, at 3570 Atlantic Avenue, with conditions. (District 7)

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.

TIMING CONSIDERATIONS

A Conditional Use Permit was approved by the Planning Commission on July 26, 2010. Accordingly, City Council action is required at the October 19, 2010 City Council meeting.

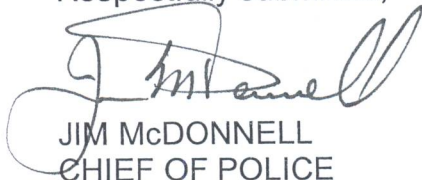
FISCAL IMPACT

None.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



JIM McDONNELL
CHIEF OF POLICE

APPROVED:



PATRICK H. WEST
CITY MANAGER

JM:DBS:dbs

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

INVESTIGATIONS BUREAU
(562) 570-7350
FAX (562) 570-7175

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

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

HONORABLE MAYOR AND CITY COUNCIL
October 19, 2010

Council District: 7

Applicant: Walgreen Company
DBA: Walgreens
Address: 3570 Atlantic Avenue

Type of Application: An original application for an Off-Sale Beer and Wine license.

Bases for possible protest: Over concentration.
Residences within 100 feet.
Church within immediate vicinity.

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

Census Tract: 5720.01

Boundaries: Bixby Road to the North
City Limits/Wardlow Road to the South
City Limits/Cherry Avenue to the East
Atlantic Avenue to the West

Number of licenses allowed: 4
Number of licenses existing: 6

Police Reporting District: 322

Boundaries: 36th Street to the North
City Limits to the South
Orange Avenue to the East
Long Beach Boulevard to the West

Reported crimes in this district for ABC purposes are 68. Crime in a reporting district must be at least 199 to qualify for a high crime protest.

Type of business: A drug store.
Last day to request
conditions and protest: October 22, 2010



Date: October 19, 2010
To: File
From: Dana Smith, Detective, Vice Investigations Section
Subject: **WALGREENS, 3570 ATLANTIC AVENUE**

CALLS FOR SERVICE/ARRESTS AND INVESTIGATIONS (09/22/09-09/22/10)

1	R484	Petty Theft Report	Will File Later
1	Group	Group Call	Gone On Arrival
1	R487	Grand Theft Report	Will File Later
1	459	Burglary	Filed
1	459A	Audible Alarm Call	Bad Order Alarm
1	990	Transport Prisoner	Advised

ABC INSPECTIONS (past three years)

None

RESIDENCE WITHIN 100 FEET

629 East 36 th Street	Single Family Residence
640 East 36 th Street	Single Family Residence
640 1/2 East 36 th Street	Single Family Residence
650 East 36 th Street	Single Family Residence
3603 Lime Avenue	Single Family Residence
3585 Lime Avenue	Single Family Residence
3583 Lime Avenue	Single Family Residence
3573 Lime Avenue	Single Family Residence
3575 Lime Avenue	Single Family Residence
3565 Lime Avenue	Single Family Residence
3559 Lime Avenue	Single Family Residence
3553 Lime Avenue	Single Family Residence
3551 Lime Avenue	Single Family Residence
3543 Lime Avenue	Single Family Residence
3545 Lime Avenue	Single Family Residence

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

505 East 36th Street Church of Christ

DBS:dbs
cfs.memo