



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194 FAX (562) 570-6068

December 19, 2013

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Approve a Conditional Use Permit (CUP) request to allow the sale of beer and wine for off-site consumption (Type 21 license) at an existing convenience store located at 1741 E. 7th Street within the Neighborhood Commercial and Residential (CNR) District (District 2)

APPLICANT: Darlene Duong
Market on 7th
1741 E. 7th Street
Long Beach, CA 90813
(Application 1308-09)

DISCUSSION

The subject site is located at 1741 E. 7th Street on the northwest corner of Rose Avenue and 7th Street (Exhibit A – Location Map). The site is located within the Neighborhood Commercial and Residential (CNR) Zoning District and is developed with a multi-tenant, one-story commercial building. The commercial building was constructed in 1922 to accommodate a retail store. A 1,818-square-foot section of the building is currently being occupied by a convenience market (Exhibit B – Plans & Photographs). The applicant is seeking approval for a Type 21 alcohol license that would allow the market to sell beer and wine for off-site consumption. No other changes to the operation of the store are proposed.

The convenience store has been operating at the subject site since 2011 with no negative impacts to the neighborhood. The Long Beach Police Department (LBPd) has reviewed the request and has no objection to approval. Staff has evaluated the number of existing alcohol licenses in the subject census tract, as well as the number of reported crimes in the subject Police Reporting District. The zoning regulations require that the use not be in a reporting district with an over concentration of alcohol sales, as recommended by the California Department of Alcoholic Beverage Control (ABC), and that the use shall not be in a reporting district with a high crime rate as reported by the LBPd.

The project is located in both a high crime area per LBPd and an over concentrated district for off-site alcohol sales. In the subject census tract (5764.03), three licenses for off-site alcohol sales are allowed; there are currently three (see Exhibit F). This license will bring the total number of licenses in the census tract to four, which would exceed the allowable

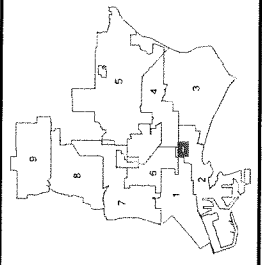
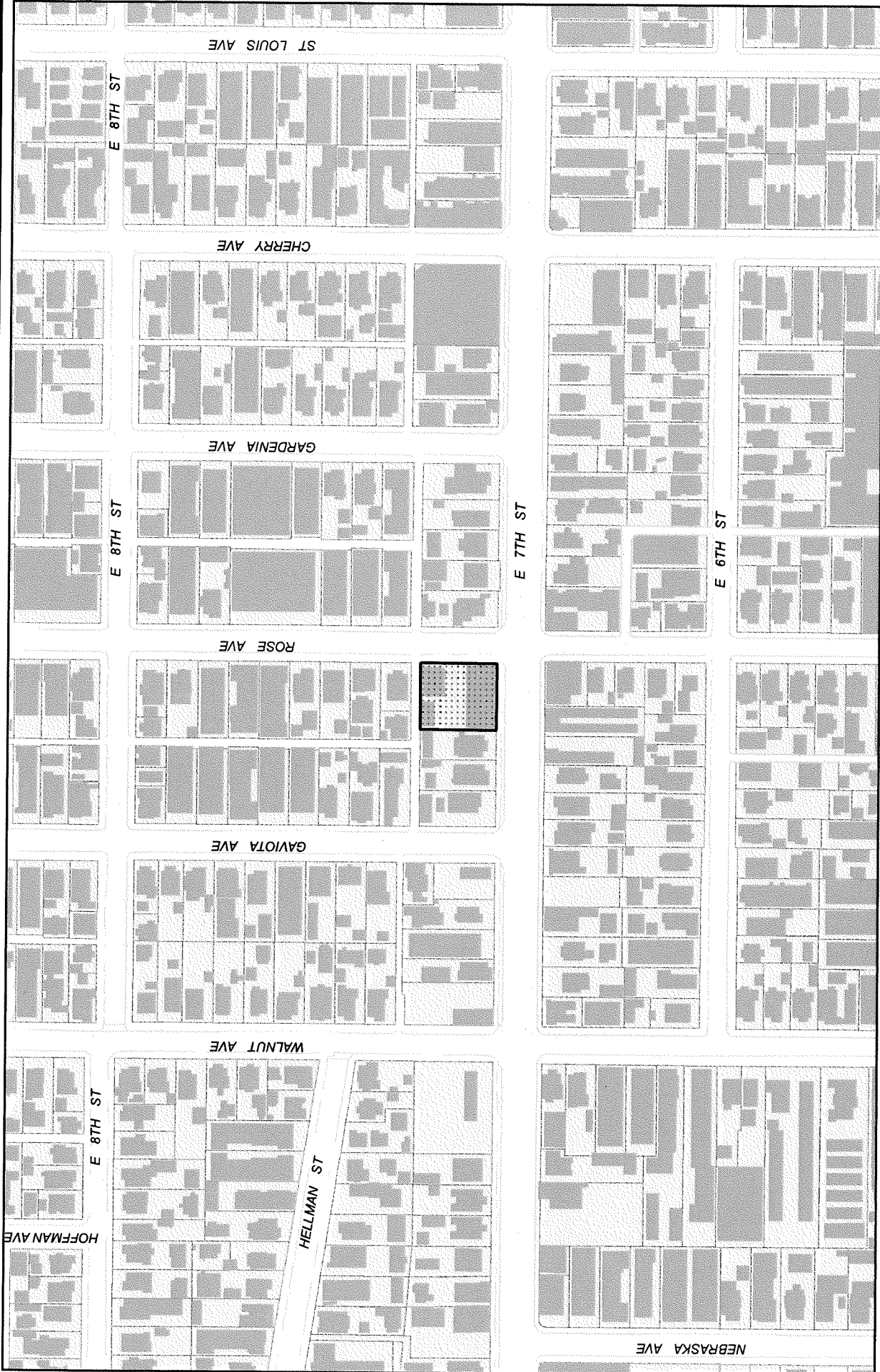
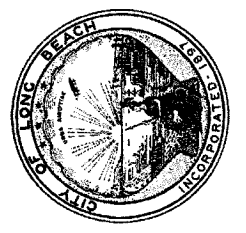


Exhibit A



Subject Property:
 1741 E 7th St
 Application No. 1308-09
 Council District 2
 Zoning Code : CNR



CONDITIONAL USE PERMIT FINDINGS

**1741 E. 7th Street
Application No. 1308-09
December 19, 2013**

Pursuant to Section 21.25.206 of the Long Beach Municipal Code, a Conditional Use Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

1. THE APPROVAL IS CONSISTENT WITH AND CARRIES OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;

The project site is located in Land Use District #4 – High Density Residential is intended to accommodate intensification or recycling of dwelling units. The existing convenience store, although not a residential dwelling is consistent with the requirements of this district because it is allowed in the Neighborhood Commercial and Residential (CNR) District with a Conditional Use Permit. Therefore, the principal use of the site is consistent with the General Plan. No specific plan applies to the subject site. The request is to allow the sale of beer and wine for off-site consumption at an existing convenience store which is consistent with requirements of the plan. The project is consistent with the zoning regulations of the CNR zoning district, as the off-site sale of alcoholic beverages at an existing convenience store is allowed through the Conditional Use Permit process in this district.

2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY OR GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE 13-079) was prepared for this project and is attached for your review.

The addition of off-site beer and wine sales at an existing convenience store is not considered detrimental to the surrounding community with the incorporation of conditions of approval. The conditions will improve a building in need of a painting and landscaping, and since the site is currently operating without enforceable conditions, an approval will help to mitigate potential problems in the future. Thus, staff is supportive of the incorporation of beer and wine with the recommendation that the use be reviewed by the Police Department on a yearly basis.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USES, AS LISTED IN CHAPTER 21.52.

Section 21.52.210 states that the following conditions shall apply to all alcoholic beverage sales uses requiring a Conditional Use Permit:

- A. The operator of the use shall provide parking for the use equivalent to the parking required for new construction regardless of the previous use as to legal nonconforming rights.**

The existing building is approximately 5,400 square feet in size and also consists of two other residential structures. The Long Beach Municipal Code section 21.41.216 establishes parking for a retail store at 4 spaces per 1,000 square feet of floor area. The current establishment is considered legal non-conforming with nine (9) parking spaces. Since no additions or expansions to the site are anticipated, no impact to the site is anticipated.

- B. The operator of the use shall provide night lighting and other security measures to the satisfaction of the Chief of Police.**

Staff consulted with the Long Beach Police Department on this application. The LBPD had no objections to the request and felt the security measures and lighting in place on the site were sufficient and they did not request any specific upgrades to the site as a condition of approval.

- C. The operator of the use shall prevent loitering or other activity in the parking lot that would be a nuisance to adjacent uses and/or residential neighborhoods.**

Condition of Approval #24 will require the operator to prevent loitering and other related nuisances.

- D. The use shall not be in a reporting district with more than the recommended maximum concentration of the applicable on or off-premise sales use, as recommended by the Long Beach Police Department, except: (1) locations in the greater downtown area; or (2) stores of more than 20,000 square feet of floor area, and also providing fresh fruit, vegetables, and meat, in addition to canned goods.**

In consideration of a Conditional Use Permit application for the sale of alcoholic beverages, staff evaluates the number of existing alcohol licenses in the subject Census Tract as well as the total number of reported crimes in the subject Police Reporting District. Section 21.52.210 of the zoning regulations requires that the use shall not be in a reporting district with an over-concentration of alcohol sales, as recommended by the California Department of Alcoholic Beverage Control (ABC), and that the use shall not be in a reporting district with a high crime rate as reported by the Long Beach Police Department. The project is located in a high crime area per LBPD and will be over-concentrated if this license is approved for off-site alcohol sales. In the subject census tract

(5764.03), three licenses for off-site alcohol sales are allowed and there are three existing. The new license will make the Census Tract over concentrated with licenses, per Alcohol Beverage Control requirements. However, staff consulted with LBPD for this application and they expressed no opposition to approval of this permit given that most calls for services were located at different locations within the reporting district and only three calls for services were made at the subject site. Also, given that the other alcohol licenses in the Census Tract were located on 10th Street and Anaheim Street, and more than 1,000 feet away, staff recommends that this finding be waived. The waiving of this finding will allow the sale of beer and wine, in conjunction with the market with Conditions of Approval that require building improvements, landscaping, cameras, and security measure recommended by the Long Beach Police Department. The approval is also conditioned to allow for periodic inspection of the site and if problems are found, can lead to revocation of the license. Thus, with the incorporation of conditions and required improvements of the building, staff is comfortable with allowing the sale of beer and wine at the existing market.

- E. The use shall not be located within 500 feet of a public school or public park, except: (1) locations in the greater downtown area; or (2) stores of more than 20,000 square feet of floor area, and also providing fresh fruit, vegetables, and meat in addition to canned goods.**

The subject site not located within 500 feet of a park or public school.

CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

1741 E. 7th Street

Application No. 1308-09

Date: December 19, 2013

1. The use permitted on the subject site, in addition to the other uses permitted in the CNR zoning district, shall be to allow the sale of beer and wine for off-site consumption (Type 21 License) at an existing convenience store located at 1741 E. 7th Street.
2. 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.
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 building façade shall be re-painted and repaired to the satisfaction of the Director of Development Services. This includes all tenant spaces, signage, windows, roofing, and building projections.
5. Street trees and landscaping shall be incorporated in front of the building and within the public right-of-way, to the satisfaction of the Director of Development Services.
6. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
7. The windows of the store shall be maintained free of signage or other obstructions in excess of 10 percent of each window area. Window signs displaying prices shall be prohibited.
8. 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.

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. 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.
12. The beer and wine sales shall be limited to two coolers and shall not be expanded.
13. 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.
14. If the owner wishes to upgrade the existing alcohol license such as (beer, wine, and distilled spirits), they will be required to apply for a new Conditional Use Permit.
15. No alcoholic beverages shall be consumed on the property, or on adjacent properties under control of the licensee.
16. No sales to any person appearing to be or actually being intoxicated shall be allowed.
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 packages of less than three per sale.
19. No pay phone shall be maintained on the interior and exterior 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.

22. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
23. The operator shall install exterior video security cameras at the front and rear of the business with full view of the public right-of-way and shall install exterior security video cameras that provide full view of any areas where operator provides parking for its patrons. The cameras shall record video for a minimum of 30 days and be accessible via the Internet by the LBPD. A Public Internet Protocol (IP) address and user name/password to allow LBPD to view live and recorded video from the cameras over the Internet are also required. All video security cameras shall be installed to the satisfaction of the Police Chief, Director of Technology Services, and Director of Development Services.
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, a security guard shall be required during business hours at the discretion of the Director of Development Services. Continual problems with loitering, which increase the calls for service at the business, may lead to revocation of the Conditional Use Permit.
25. The property and tenant space shall be made available for periodic inspection by the Police Department and Planning Bureau to review compliance with the conditions herein. If compliance is not maintained, and problems exist at the time of inspection, the City may move forward with a hearing in front of the Planning Commission to revoke the Conditional Use Permit.
26. Street addresses shall be clearly posted on the street side of the main building and visible from the street.
27. 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 be positioned to discourage homeless people from sleeping.
28. The hours of operation for alcohol sales shall be limited to 8 a.m. to 9 p.m. Monday through Sunday.
29. The sale of fortified wines with an alcohol content of greater than 15% is prohibited.

Standard Conditions:

30. 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.
31. 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.
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 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).
33. 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.
34. The Director of Development Services is authorized to make minor modifications to the approval design plans or 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.
35. 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).
36. Any graffiti found on site must be removed within 24 hours of its appearance.
37. 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.



NOTICE of EXEMPTION from CEQA

DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbs.longbeach.gov

TO: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 13-079

Project Location/Address: 1741 E 7TH ST. LONG BEACH, CA 90813

Project/Activity Description: BEER & WINE LICENSE

Public Agency Approving Project: **City of Long Beach, Los Angeles County, California**

Applicant Name: DOUNG, DARLENE

Mailing Address: P.O. BOX 4703, LONG BEACH, CA ~~90804~~ 90804

Phone Number: (562) 506-8529

Applicant Signature: *Darlene Doung*

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1308-09 Planner's Initials: _____

Required Permits: CONDITIONAL USE PERMIT

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15301, Class 1, Existing Facilities

Statement of support for this finding: Minor alteration to existing land use.

Contact Person: Craig Chaffant

Contact Phone: 562-570-6368

Signature: *Craig Chaffant*

Date: 12/3/13