



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

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

April 19, 2012

## 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 20 license), at an existing Walgreen's located at 2627 Pacific Avenue within the Community Auto-Oriented (CCN) zone. (District 6)

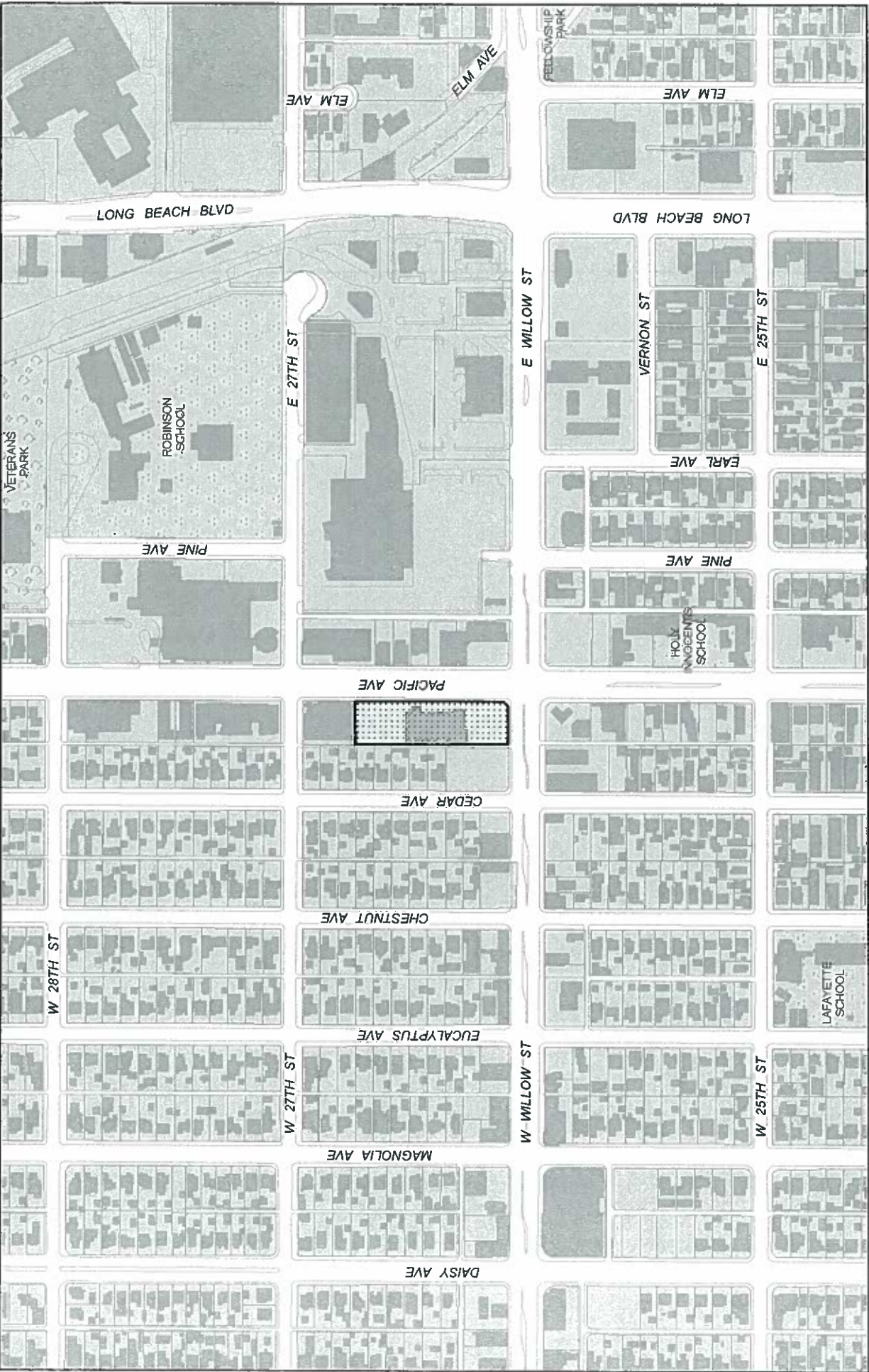
APPLICANT: Robert M. Silverman / Walgreen, Co.  
104 Wilmot Road  
Deerfield, IL 60015  
(Application 1002-10)

### DISCUSSION

The subject site is located at 2627 Pacific Avenue at the northwest corner of Pacific Avenue and Willow Street (Exhibit A – Location Map). The site is located within the Community Auto-Oriented (CCN) zone and is developed with a total building area of 15,200 square feet along with 83 parking spaces (Exhibit B – Plans & Photographs). The applicant is seeking approval for a Type 20 alcohol license that would allow Walgreen's to sell beer and wine for off-site consumption. No other changes to the operation of the store are proposed.

Walgreen's has been operating at the subject site since 2001 without negative impacts to the neighborhood. The Police Department 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 Long Beach Police Department (LBPD). The project is not located in a high crime area per LBPD; however, it is in an over concentrated district for on-site alcohol sales. In the subject census tract (5722.02), three licenses for on-site alcohol sales are allowed; there are currently four (Exhibit E – Existing ABC Licenses). Staff is requesting the Planning Commission waive this condition since the site has no

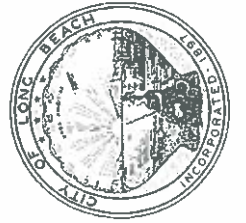




# Exhibit A



**Subject Property:**  
 2627 Pacific Ave  
 Application No. 1002-10  
 Council District 6  
 Zoning Code : CCN



# **CONDITIONAL USE PERMIT FINDINGS**

**2627 Pacific Avenue  
Application No. 1002-10  
April 19, 2012**

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 #8N – Shopping Nodes Strip. LUD #8N is intended to accommodate retail and service uses exclusively, primarily in small clusters with vital activity centers. The existing Walgreen's is identified as consistent with the requirements of this district, 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 Walgreen's store which is consistent with requirements of the plan. The project is consistent with the zoning regulations of the CCN 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 Environment Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE 10-009) was prepared for this project and is attached for your review.

The proposed sale of off-site beer and wine at an existing convenience store is not expected to be detrimental to the surrounding community. No physical expansion to the building is proposed and conditions of approval are included to ensure the mitigation of any negative impacts. Conditions include prevention of nuisances and loitering.

- 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 beverages 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 Walgreen's store is approximately 15,000 square feet in size. Per zoning code section 21.41.216, parking for a retail store is at (4) spaces per 1,000 square feet of floor area. The current establishment has (83) parking spaces and conforms to current code.

- 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 did not have any 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 #10 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 not located in a high crime area per LBPD; however, it is in an over-concentrated district for on-site alcohol sales. In the subject census tract (5722.02), three licenses for off-site alcohol sales are allowed and there are four existing. Staff

consulted with LBPD for this application and they expressed no opposition to approval of this permit therefore staff is requesting Planning Commission waive this finding.

- 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 is site is not located within 500 feet of a public school or public park.

## CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

2627 Pacific Avenue

Application No. 1002-10

Date: April 19, 2012

1. The use permitted on the subject site, in addition to the other uses permitted in the CCN 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 2627 Pacific 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 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. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
5. 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.
6. Installation of any exterior newsstands and vending machines shall be prohibited.
7. Video or coin operated games and the like shall be prohibited on site so as to discourage loitering on the premises.
8. 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.

9. The beer and wine sales shall be limited to five cooler areas as per the floor plan and shall not be expanded.
10. 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.
11. No exterior advertising promoting or indicating the availability of alcoholic beverages.
12. No alcoholic beverages shall be consumed on the property, or on adjacent properties under control of the licensee.
13. No sales to any person appearing to be or actually being intoxicated shall be allowed.
14. Licensee shall take all reasonable measures to prohibit and prevent any loitering on the premises.
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. No beer or malt beverages shall be sold, regardless of container size, in quantities of less than three per sale.
17. No pay phone shall be maintained on the interior and exterior of the premises.
18. The sale of beer or malt beverages in quantities of quarts, 22 oz, 32 oz, 40 oz or similar size is prohibited.
19. Wine shall not be sold in bottles or containers smaller than 750 ml. Other than dessert wines in 375 ml. Bottles.

**Standard Conditions:**

20. 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.

21. 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.
22. 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).
23. 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.
24. 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.
25. 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).
26. Any graffiti found on site must be removed within 24 hours of its appearance.
27. 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 NOTICE OF EXEMPTION

DEPARTMENT OF DEVELOPMENT SERVICES  
333 W. OCEAN BLVD., 5<sup>TH</sup> 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, 5<sup>th</sup> Floor  
Long Beach, CA 90802

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

Categorical Exemption CE- 10-009

Project Location/Address: 2627 Pacific Avenue

Project/Activity Description: \_\_\_\_\_

Applicant requests a Conditional Use Permit to allow for the sale and dispensing of beer and wine for off-site consumption at an existing Walgreens store.

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

Applicant Name: Robert M. Silverman/Walgreen Co.

Mailing Address: 104 Wilmot Rd, MS 1420, Deerfield, IL 60015

Phone Number: (847) 315-4574

Applicant Signature: 

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1002-10 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 alterations to existing commercial land use.

Contact Person: Craig Chalkant

Contact Phone: 562-570-6369

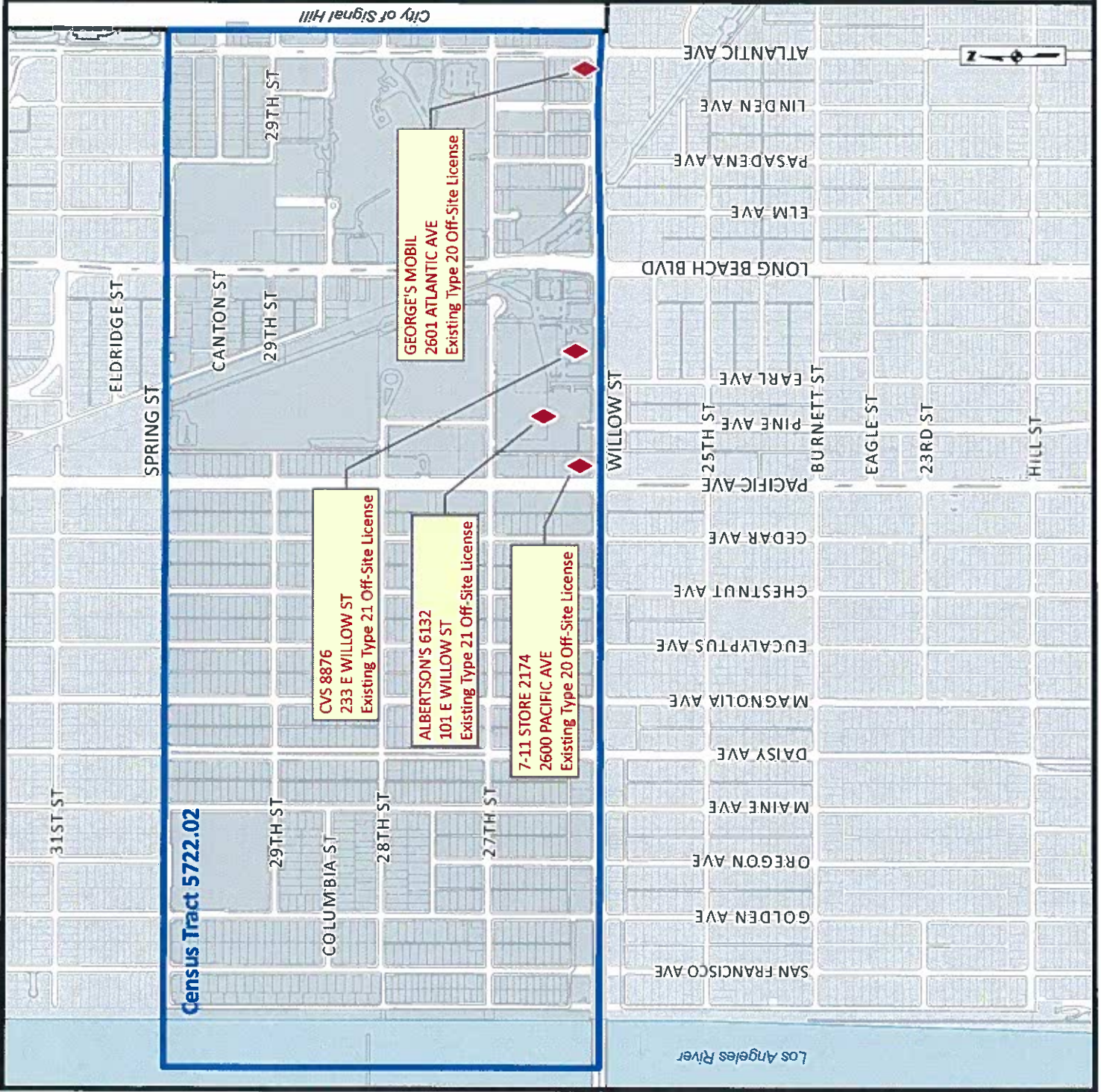
Signature: 

Date: 4/2/12

City of Long Beach,  
California

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08

Existing Off-Site  
Alcohol Licenses  
for Census  
Tract 5722.02



Sources:  
Off-site sales locations provided  
by Development Services.  
Tract 5722.02 is from 2010 Census.

Department of  
Technology Services  
GIS

