



# 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

December 18, 2014

## CHAIR AND PLANNING COMMISSIONERS

City of Long Beach  
California

### RECOMMENDATION:

Approve a Conditional Use Permit (CUP) request and accept Categorical Exemption CE 13-078 to allow the sale of beer and wine for off-site consumption (Type 20 License) at an existing convenience store located at 300 W. Ocean Boulevard, Suite G within the Downtown Shoreline Planned Development (PD-6) District. (District 2)

APPLICANT: Sunny Puri  
300 W. Ocean Boulevard, #G  
Long Beach, CA 90802  
(Application 1410-05)

### DISCUSSION

The subject site is located at 300 W. Ocean Boulevard, Suite G, between Chestnut Place and Cedar Walk (Exhibit A – Location Map). The site is located within the Downtown Shoreline Planned Development (PD-6) District and is more than 500 feet from any school. However, it is located directly adjacent to a park (Victory Park). It is currently developed with a mixed-use commercial building that consists of 538 residential apartment units along with ground floor retail spaces with approximately 287 parking spaces (Exhibit B – Plans & Photographs). The surrounding properties are generally developed with commercial, general office, and service-related uses. The applicant is seeking approval for a Type 20 alcohol license that would allow the existing 650-square-foot convenience store 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 June 2014 with no reports of 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 not located in a high crime area per LBPD; however, it is in an over concentrated district for off-site alcohol sales. In the subject census tract (5760.01), three

## CHAIR AND PLANNING COMMISSIONERS

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licenses for off-site alcohol sales are allowed; there are currently five active. Although currently the census tract for off-site alcohol sales is over concentrated with the majority of the five active licenses located in convenience stores in the downtown, staff is requesting the Planning Commission waive this condition. The LBPD expressed no opposition to approval provided that they incorporate security measures such as lighting and security cameras. With a high density of residents and tourist activity, staff believes that the approval of this application will have minimal impact on the surrounding land uses. Conditions of approval will also require prevention of nuisance and other potential negative effects. Given the fact that the site has had no history of nuisance or criminal activity, staff is requesting the Planning Commission approve the Conditional Use Permit subject to conditions (Exhibit C – Findings and Conditions of Approval).

### **PUBLIC HEARING NOTICE**

A Notice of Application was sent to the local community groups on October 30, 2014, and Public Hearing Notices were distributed on December 1, 2014, in accordance with the provision of the Zoning Ordinance. At the time of writing this report, staff has received no inquiries on this project.

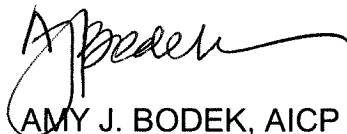
### **ENVIRONMENTAL REVIEW**

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, Categorical Exemption (CE 14-128) was issued for the proposed project (Exhibit D).

Respectfully submitted,



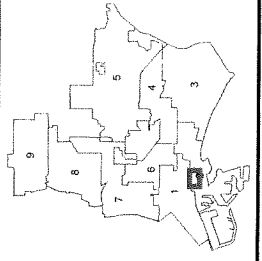
JEFF WINKLEPLECK  
ACTING PLANNING ADMINISTRATOR



AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

AJB:JW:jr

Attachments:      Exhibit A – Location Map  
                         Exhibit B – Plans & Photos  
                         Exhibit C – Findings & Conditions  
                         Exhibit D – Categorical Exemption 14-128



# Exhibit A



## **CONDITIONAL USE PERMIT FINDINGS**

**300 W. Ocean Boulevard Suite G**

**Application No. 1410-05**

**December 18, 2014**

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 #8 – Traditional Retail Strip Commercial. LUD #8 is intended to accommodate retail and service uses exclusively vital activity centers, not in strips along major arterials. The existing convenience store 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 to allow the sale of beer and wine for off-site consumption at an existing convenience store is consistent with requirements of the plan. The project is consistent with the zoning regulations of the PD-6 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 14-128) 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 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 subject site has a total of 11 parking spaces for the commercial building. 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 proposed use has a total of 600 square feet of retail space and a total of 2 parking spaces would be required. The subject site has 287 parking spaces and therefore 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 had no objections to the request with the incorporated conditions of approval that require security cameras and the limitation on operational hours of alcohol sales.

- 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 #21 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 off-site alcohol sales. In the subject census tract (5760.01), three licenses for off-site alcohol sales are allowed and there are five currently active. Staff consulted with LBPD for this application and they expressed no opposition to approval of this permit provided that they incorporate security measures. 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 site is not located within 500 feet of a public school however; it is located directly adjacent to a park, but is exempt in the downtown area.

**LOCAL COASTAL DEVELOPMENT PERMIT  
FINDINGS**

**Case No. 1410-05  
December 18, 2014**

1. ***THE PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PROGRAM, INCLUDING BUT NOT LIMITED TO ALL REQUIREMENTS FOR REPLACEMENT OF LOW AND MODERATE-INCOME HOUSING.***

The site is located within an existing commercial area. The zoning is currently (PD-6) The Downtown Shoreline Planned Development District. The proposed action is to allow the sale of beer and wine for off-site consumption at an existing market. No low and moderate-income housing will be removed as a result of the development.

2. ***THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT.***

Chapter 3 of the Coastal Act deals with the public's right to use the beach and water resources for recreational purposes. The chapter provides the basis for state and local governments to require beach access dedications and prohibit development, which restricts public access to the beach and water resources.

The development will not impede public access to the coast, as all development will occur on an existing commercial building, which will not further impede public access to the beach. Therefore, the proposed development conforms to the public access and recreation policies of Chapter 3 of the Coastal Act.

## **CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL**

**300 W. Ocean Boulevard, Suite G**

**Application No. 1410-05**

**Date: December 18, 2014**

1. The use permitted on the subject site, in addition to the other uses permitted in the PD-6 zoning district, shall be to allow the sale of beer and wine for off-site consumption (Type 20 License) at an existing convenience store located at 300 W. Ocean Boulevard, Suite G.
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. 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.
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.
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 two coolers and shall not be expanded.
11. 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.
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. 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.
15. No beer or malt beverages shall be sold, regardless of container size, in packages of less than three per sale.
16. No single quantities of beer shall be sold except those that are produced by a craft or microbrewery, in bottles or cans that are at least 16 ounces but not greater than 22 ounces. A craft or microbrewery is a brewery with an annual production of 6 million barrels of beer or less, at least 75 percent of the brewery is owned or controlled by a craft brewer and the brewery is recognized as a craft brewery by the Brewers Association.
17. Wine shall not be sold in bottles or containers smaller than 750 ml. other than dessert wines in 375 ml. bottles, and wine coolers shall not be sold in quantities of less than four per sale.
18. Hours of alcohol sales shall be limited from 10:00 AM to 10:00 PM everyday. The applicant may submit for a modification of this condition after one year of this application's final action date for the administrative consideration of the removal of this condition.
19. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
20. 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 the 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 LBDP. A Public Internet Protocol (IP) address and user name/password to allow LBDP 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.

21. 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.

**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 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.

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.



## NOTICE of EXEMPTION from CEQA

DEPARTMENT OF DEVELOPMENT SERVICES | PLANNING BUREAU  
 333 W. OCEAN BLVD., 5<sup>TH</sup> FLOOR, LONG BEACH, CA 90802  
 (562) 570-6194 FAX: (562) 570-6068  
 lbsd.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-14-128

Project Location/Address: 300 W. Ocean Blvd Suite G

Project/Activity Description:

A request for a Conditional Use Permit and a  
Local Counsel Permit to allow the sale of beer and wine for off-  
site consumption at an existing convenience store.

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

Applicant Name: Sunny Puri

Mailing Address: 300 W. Ocean Boulevard #G Long Beach CA 90802

Phone Number: (562) 261-3585 Applicant Signature: \_\_\_\_\_

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 141005 Planner's Initials: JK

Required Permits: Conditional Use Permit and a Local Counsel 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: Land use alteration to  
existing commercial land use.

Contact Person: Jose Rana

Contact Phone: 570-6952

Signature: \_\_\_\_\_

Date: 12-18-2014