



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

October 15, 2015

CHAIR AND PLANNING COMMISSIONERSCity of Long Beach
California**RECOMMENDATION:**

Approve a Conditional Use Permit (CUP) request to allow the sale of beer, wine and distilled spirits for off-site consumption (Type 21 License) along with a Local Coastal Development Permit and accept Categorical Exemption 15-138 for a new convenience store within an existing commercial building located at 5764 E. 2nd Street, Suite 150 within the Commercial Neighborhood Pedestrian (CNP) zone. (District 3)

APPLICANT: The Bottle Shoppe Naples, Inc.
17042 Devonshire Street, Suite 214
Northridge, CA 91325
(Application 1506-05)

DISCUSSION

The subject site is located at 5764 E. 2nd Street, Suite 150, between Ravenna Drive and Campo Walk (Exhibit A – Location Map). The site is located within the Commercial Neighborhood Pedestrian (CNP) zone and is more than 500 feet from any school or park. It is currently developed with a two-story 4,700-square-foot commercial building with six parking spaces formerly Morry's of Naples (Exhibit B – Plans & Photographs). The applicant is proposing to utilize 2,000 square feet of the building along with the second floor to be used as storage for wine and spirits and is seeking approval for a Type 21 alcohol license that would allow the convenience store to sell beer, wine and distilled spirits for off-site consumption. The previous use, which had an active business license from 1978 to 2011, was a convenience store that occupied the entire building and sold alcohol. No other changes to the store are proposed. The hours of operation for the use will be from 8:00 am to 10:00 pm Monday through Sunday. Condition of Approval # 20 has been incorporated to prevent loitering and other related nuisances at the site.

In considering a Conditional Use Permit (CUP) application for the sale of beer, wine and distilled spirits at this location, staff evaluated the number of existing alcohol licenses in the subject Census Tract (5775.01) as well as the total number of reported crimes in the subject Police Reporting District. Section 21.52.201 of the zoning regulations requires that a new Conditional Use Permit for alcohol sales not be approved 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

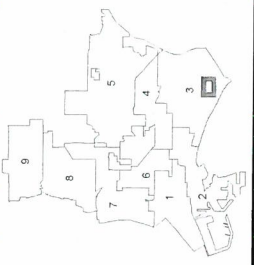
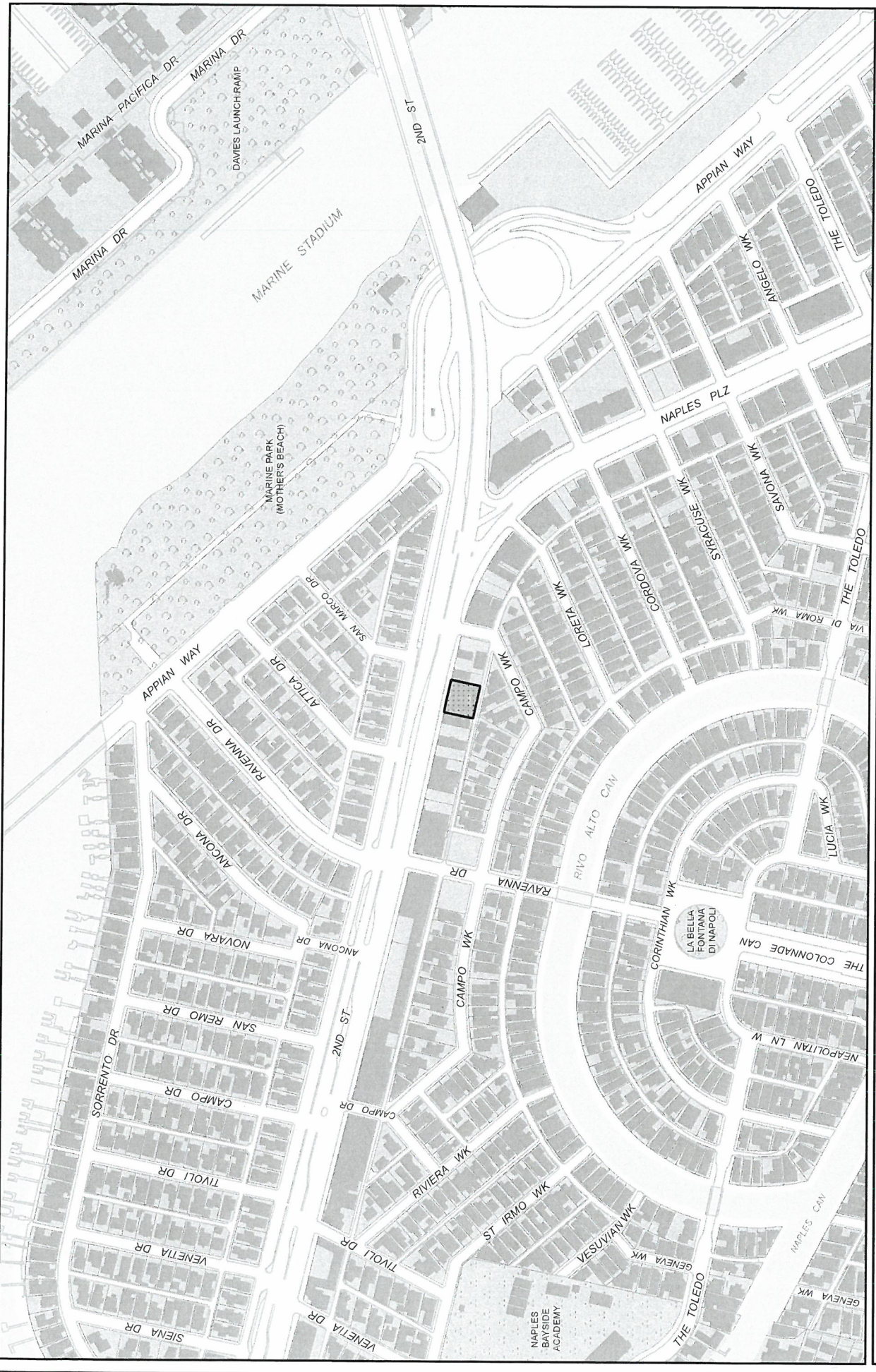


Exhibit A



Subject Property:
5764 2nd St
Application No. 1506-05
Council District 3
Zoning Code : CNP

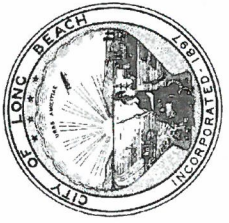


EXHIBIT C

City of Long Beach,
California

80
03

Existing On-Site & Off-Site Alcohol Licenses for Census Tract 5775.01

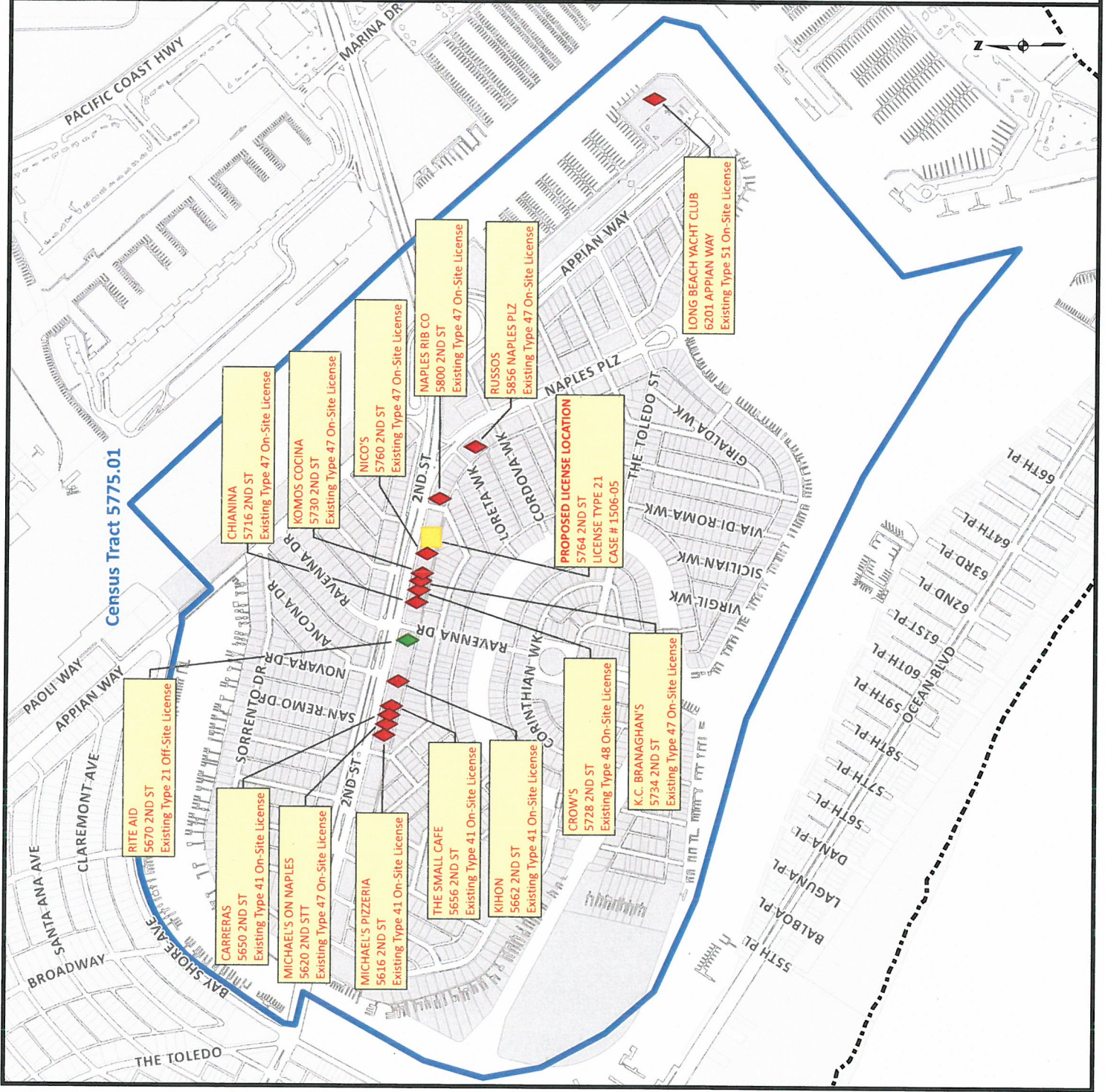
Map Features

- Proposed License Location
- Existing Off-Sale Locations
- Existing On-Sale Locations
- Census Tract 5775.01
- City Boundary

Sources:

Off-site Type 20 & 21, plus On-site Type 41 & 42 sales locations taken from the CA Alcoholic Beverage Control website.
Tract 5775.01 is from the 2010 Census.

Department of
Technology Services
GIS



CONDITIONAL USE PERMIT FINDINGS

5764 E. 2nd Street, Suite 150

Application No. 1506-05

October 15, 2015

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 #8P – Pedestrian-Oriented Retail Strip District. LUD #8P is intended to preserve areas of small-scale neighborhood serving retail and personal service uses where shoppers arrive by foot, or park a car and walk to several destinations. The proposed convenience store is 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 site is located in area (E) of the Local Coastal Plan and the request to allow the sale of beer, wine and distilled spirits in a proposed convenience store within an existing commercial building is consistent with the requirements of the plan. The project is consistent with the zoning regulations of the CNP zoning district, as the off-site sale of alcoholic beverages at a proposed 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 15-138) was prepared for this project and is attached for your review.

The sale of beer, wine and distilled spirits for off-site consumption at a proposed convenience store located within an existing building is not expected to be detrimental to the surrounding community. Conditions of approval are included to ensure the mitigation of any negative impacts associated with the operation of the proposed project. 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 proposed convenience store within an existing building has a total of six parking spaces for the existing commercial building. Per zoning code section 21.41.216, parking for retail is required at four spaces per 1,000 square feet of floor area. The existing 4,700-square-foot building has been divided into two suites with one suite occupying 2,700-square-feet for retail and, currently suite 100, and the proposed suite 150 at 2,000-square-feet for the convenience store. Based on the square footage, 18 parking spaces would be required for both suites. However, given the fact that the last use for this building was previously parked for retail use formerly (Morry's of Naples convenience store) the parking is therefore grandfathered for six parking spaces, and no additional parking is required.

- 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 provided that they incorporate 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 #20 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; nor is it in an over-concentrated district for off-site alcohol sales. In the subject census tract (5775.01), two licenses for off-site alcohol sales are allowed and there is one Type 21 License currently active. Staff consulted with the LBPD on this application and they expressed no opposition to approval of this permit provided that they incorporate security measures such as security cameras. 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 or public park.

**LOCAL COASTAL DEVELOPMENT PERMIT
FINDINGS**

Case No. 1506-05

October 15, 2015

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 (CNP) Commercial Neighborhood Pedestrian. The proposed action would allow the applicant to sell beer, wine and distilled spirits for off-site consumption within an existing convenience store with no additional square footage being added to the existing building. The approval of this Conditional Use Permit will conform to the Local Coastal Program. No low or moderate-income housing will be removed as a result of this proposal.

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 result in any exterior alterations to the existing building. Therefore, there is no change in public access to the coast. And the proposed use will not further impede public access to the beach. Therefore, the proposed conforms to the public access and recreation policies of Chapter 3 of the Coastal Act.

**CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL**

5764 E. 2nd Street, Suite 150

Application No. 1506-05

Date: October 15, 2015

1. The use permitted on the subject site, in addition to the other uses permitted in the CNP zoning district, shall be to allow the sale of beer, wine and distilled spirits for off-site consumption (Type 21 License) at a proposed convenience store located within an existing building at 5764 E. 2nd Street, Suite 150.
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. No alcoholic beverages shall be consumed on the property, or on adjacent properties under control of the licensee.
11. No sales to any person appearing to be or actually being intoxicated shall be allowed.
12. 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.
13. There shall be no single sales of beer or malt beverage products, except that of micro-brews and specialty malt products sold under such designations as Stout, Porter, India Pale Ale (IPA) and English Special Bitters (ESB), which are sold as singles by the supplier may be sold as singles at the licensed premises.
14. The convenience store shall provide an assortment of "Healthy Food" products at all times or be consistent with the City of Long Beach programs as recommended by the Long Beach Health Department.
15. 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.
16. Hours of alcohol sales shall be limited from 8:00 AM to 10:00 PM Monday – Thursday, and 8:00 AM to 11:00 PM, Friday – Sunday.
17. A numbering address sign shall be located at the front of the building, to the satisfaction of the Long Beach Police Department.
18. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
19. 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.

20. 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.
21. The existing second floor wine storage locker room shall remain as a storage locker room at all times.
22. The applicant shall obtain a building permit for a tenant improvement prior to issuance of a business license.
23. Any and all employees hired to sell alcoholic beverages shall provide evidence that they have either:
 - 23.1 Completed training from the State of California Department of Alcoholic Beverage Control "Leadership and Education in Alcohol and Drugs" (LEAD) program as confirmed by receipt of an ABC-issued certificate of completion; or,
 - 23.2 Completed equivalent training acceptable to the ABC District Office to ensure proper distribution of beer, wine, distilled spirits, tobacco, and inhalants to ensure proper distribution of beer, wine, distilled spirits, tobacco, and inhalants to adults of legal age.

If any prospective employee designated to sell alcoholic beverages, tobacco or inhalants does not currently have such training then:
 - 23.3 The ABC-licensed proprietors shall have confirmed with the Development Department within 15 days of the final approval of the CUP or within 15 days of the opening to the public of a new store, whichever is later, that a date certain has been scheduled with the local ABC Office for said prospective employees to take the LEAD Program course; and
 - 23.4 Within 30 days of taking said course the employee(s) or responsible employer shall deliver to the Planning Department each required LEAD Program Certificate evidencing completion of said course.

24. Deliveries shall be limited to non-peak hours, generally between 9 a.m. and 6 p.m. on no more than two occasions per week. The use of 18-wheel trucks for deliveries is prohibited.
25. All commercial vehicle delivery trucks must use commercial streets for deliveries.
26. The sales of beer or malt beverages in quantities of quarts, 22oz., 32oz., or 40oz., or similar size containers are prohibited.
27. There shall be no cups, glasses, or similar receptacles commonly used for drinking of beverages, sold, furnished, or given away at the applicant's premises in quantities of less than their original multi-container package, unless such items have been prepackaged for sale in combination with other items (i.e., picnic packs/gift baskets).
28. All beverages offered for sale at the premises shall be displayed and available for convenient inspection and purchase within the premises by the general public.
29. All sales of alcoholic beverages shall be made within the premises.
30. There shall be no amplified music on the premises at any time.
31. Trash shall not be emptied into outside trash containers between the hours of 10:00 PM and 7:00 AM.

Standard Conditions:

32. 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.
33. 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.
34. 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).

35. 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.
36. 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.
37. 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).
38. Any graffiti found on site must be removed within 24 hours of its appearance.
39. 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 | PLANNING BUREAU
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- _____

Project Location/Address: 5764 E. 2nd Street, Suite 150, Long Beach, CA 90803

Project/Activity Description: A fine wine and spirits establishment also engaging in the sale of craft beer, gourmet snacks and non-alcoholic beverages for off-site consumption.

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

Applicant Name: The Bottle Shoppe Naples, Inc.

Mailing Address: 17042 Devonshire Street, Suite 214, Northridge, California 91325

Phone Number: (888) 588-9115 x.101 Applicant Signature: [Signature] By: George Younan

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 15-138 Planner's Initials: JK

Required Permits: Conditional Use Permit and a Local Coastal Development 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 Ramirez Contact Phone: 570-6952

Signature: [Signature] Date: 10-15-2015