

**CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL**

901 E. Wardlow Road

Application No. 2105-12 (CUP21-009)

Date: September 2, 2021

1. This Conditional Use Permit approval is to allow off-site alcohol sales (Type 20 – Beer and Wine) and Instructional Tasting (Type 86) in conjunction with a butcher shop within an existing 754-square-foot commercial space located at 901 E. Wardlow Road within the Community Commercial Automobile-Oriented (CCA) Zoning District.
2. This permit and all development rights hereunder shall terminate three years 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 three-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 alcoholic beverage display area shall be limited to 36.15 square-feet within the retail floor area of the tenant space as indicated on approved plans. This area includes floor displays, cabinet displays, and beer coolers areas and does not include back of house storage or walk-in cooler.
5. The applicant shall include frosted/obscured glass or film material on the ground floor window located along Myrtle Avenue. The existing sign shall be removed and replaced with a frosted window in compliance with this condition, prior to issuance of a business license.
6. The proposed project shall conform to the site plan, as shown on plans reviewed by the Planning Commission on September 2, 2021; except as modified by the conditions of approval.
7. Any expansion of the alcohol sales area shall be subject to a modification to the Conditional Use Permit.
8. Window signage is limited to ten (10) percent of each window area; the remaining window area (comprised of all windows including all storefront glazing) shall remain free of signage or other obstructions. Window signs displaying prices or alcohol sales shall be prohibited.

9. Installation of any exterior newsstands and vending machines shall be prohibited.
10. 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. Interior displays of alcoholic beverages or signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
11. Video or coin-operated games and the like shall be prohibited on site so as to discourage loitering on the premises.
12. The permittee shall maintain full compliance with all applicable laws, Alcoholic Beverage Control (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.
13. No sales to any persons appearing to be or actually being intoxicated shall be permitted.
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 purchase to ensure no sales to intoxicated person.
15. There shall be no single sales of beer or malt beverage products, except those of micro-brews, craft beer, and specialty malt or imported products sold under such designations as Stout, Porter, India Pale Ale (IPA) and English Special Bitters (ESB), which are sold as singles at the licensed premises.
16. The sales of beer or malt beverages in quantities of 32oz., 40oz., or similar size container are prohibited. No beer or malt beverage products shall be sold, regardless of container size, in packages of less than three per sale, except that of micro-brews or craft beer and those specifically listed in #15 above.
17. Sale of delivery services of alcohol shall adhere to requirements set forth by the Department of California State Alcoholic Beverage Control.
18. Wine shall not be sold in bottle or containers smaller than 375 ml, except for that of boutique or independently owned or regional wineries. Wine coolers shall not be sold in quantities of less than four per sale.
19. Hours of alcohol sales shall be limited from 8:00am to 12:00am Mondays – Saturday, and 10:00am to 10:00pm, Sunday. Tasting hours will be limited to 10:00am to 9:00pm, Monday – Sunday.
20. A numbering address shall be located at the front of the shop, to the satisfaction of the Long Beach Police Department.

21. All sales of alcoholic beverages shall be made within the premises. This condition is not intended to limit curbside pick-up or delivery of items sold at the establishment, including alcoholic beverages sold on the premises.
22. There shall be no amplified music on the premises at any time.
23. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited. 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. 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 the view live and recorded video from the cameras over the Internet are also required. All video cameras shall be installed and maintained in good working order, 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, the applicant shall work with the Director of Development Services and Police Department to implement alternative measures to deter loitering, which may include, but is not limited, to requiring additional lighting or a security guard. Continual problems with loitering, which increase the calls for services at the business may result in revocation of the Conditional Use Permit.
25. Any and all employees hired to sell alcoholic beverages shall provide evidence that they have either: a. 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, b. 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.
26. The ABC-licensed proprietors shall have confirmed with the Development Services Department within 15 days of the final approval of the Conditional Use Permit or within 15 days of the opening to the subject establishment, 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 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.
27. Deliveries shall be limited to non-peak hours, generally between 9:00 am and 6:00 pm on no more than two occasions per week. The use of 18-wheel trucks for deliveries is prohibited.

28. All beverages offered for sale shall be displayed and available for convenient inspection and purchase within the premises by the general public.
29. At no time shall alcohol be consumed outside the store. No alcoholic beverages shall be consumed on any property adjacent to the premises under the control of the licensee or outside of the tasting area boundary. This condition is not intended to limit curbside pick-up or delivery of items sold at the establishment, including alcoholic beverages sold on the premises.
30. Trash shall not be emptied into outside trash containers between the hours of 10:00 pm and 7:00 am.
31. 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 also be positioned in such a way to discourage loitering or sleeping in the parking lot.
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 business owner 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)

Standard Conditions:

33. 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.
34. 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.
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 subsequent reference page.
36. 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).

37. The Director of Long Beach Development Services is authorized to make minor modifications to the approved 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 Zoning Administrator or Planning Commission, respectively.
38. 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).
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.