



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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Long Beach, CA 90802

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December 1, 2016

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemption CE 16-132 and approve a Conditional Use Permit (CUP) request to allow the sale of beer, wine and distilled spirits for off-site consumption (Type 21 License) for a convenience store within an existing commercial center, along with a Lot Merger, at 301-305 and 311 Redondo Avenue, within the Commercial Neighborhood Residential (CNR) zone. (District 2)

APPLICANT: Rahul Paliwal
 1507 7th Street #201
 Santa Monica, CA 90401
 (Application 1605-33)

DISCUSSION

The subject site is located at 301-305 and 311 Redondo Avenue, at the southwest corner of 3rd Street and Redondo Avenue (Exhibit A – Location Map). The site is located within the Commercial Neighborhood Residential (CNR) zone and is currently developed as a commercial center with a 2,400-square-foot building (311 Redondo Avenue), a 2,500-square-foot commercial building on a separate pad (301-305 Redondo Avenue), and 17 parking spaces. (Exhibit B – Plans & Photographs). The 2,400-square-foot building was operated as a liquor store for the past 26 years. The applicant is proposing to utilize the building as a convenience store and retain the Type 21 alcohol license that would allow the sale of beer, wine, and distilled spirits for off-site consumption through approval of a Conditional Use Permit (CUP). No other changes to the operation of the store are proposed. The hours of operation for alcohol sales will be from 8:00 am to 10:00 pm Monday through Thursday, and 8:00 am to 11:30 pm Friday through Sunday. The applicant is also seeking a Lot Merger to merge two lots to create a retail cluster center. The Lot Merger will ensure that the 17 parking spaces be maintained on-site and will prevent the lot from splitting in the future. The applicant is also planning a façade improvement along with new landscaping and striping of the parking lot for the shopping center. These changes were reviewed and approved by the Site Plan Review Committee on July 27, 2016, and are reflected in the attached plans.

In considering a 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 (5771.00) as well as the total number of reported crimes in the subject Police Reporting

CHAIR AND PLANNING COMMISSIONERS

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District. Section 21.52.201 of the Zoning Regulations requires that a new CUP 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 high crime rate as reported by the Long Beach Police Department (LBDP). The project is not located in a high crime area per the LBDP; however, it is in an over-concentrated district for off-site alcohol sales. In the subject census tract (5771.00), four licenses for off-site alcohol sales are allowed; there are currently eight active licenses. (Exhibit C – Map of Existing Alcohol License). Staff consulted with the LBDP for this application and they expressed no opposition to approval of this permit provided that the applicant incorporate security measures such as lighting and security cameras. These measures have been included as Condition Nos. 17 and 18. Given that the liquor store previously operated on-site for 26 years with little history of nuisance or criminal activity, the approval of this application would likely have minimal impact on the surrounding land uses including the elementary school that is approximately 400 feet away from the site. The CUP would allow for the continuation of alcohol sales at the site and would also allow for the incorporation of conditions of approval to prevent nuisances and other potential negative impacts from the proposed sale of alcohol. Given these facts, staff recommends that the Planning Commission approve the Conditional Use Permit subject to conditions (Exhibit D – Findings and Conditions of Approval).

PUBLIC HEARING NOTICE

A Notice of Application was sent to the local community groups on October 28, 2016, and Public Hearing Notices were distributed on November 14, 2016, 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 16-132 was issued for the proposed project (Exhibit E – Categorical Exemption).

Respectfully submitted,



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LT:CT:jr

Attachments: Exhibit A – Location Map
 Exhibit B – Plans & Photos
 Exhibit C – Map of Existing Alcohol License
 Exhibit D – Findings & Conditions
 Exhibit E – Categorical Exemption 16-132

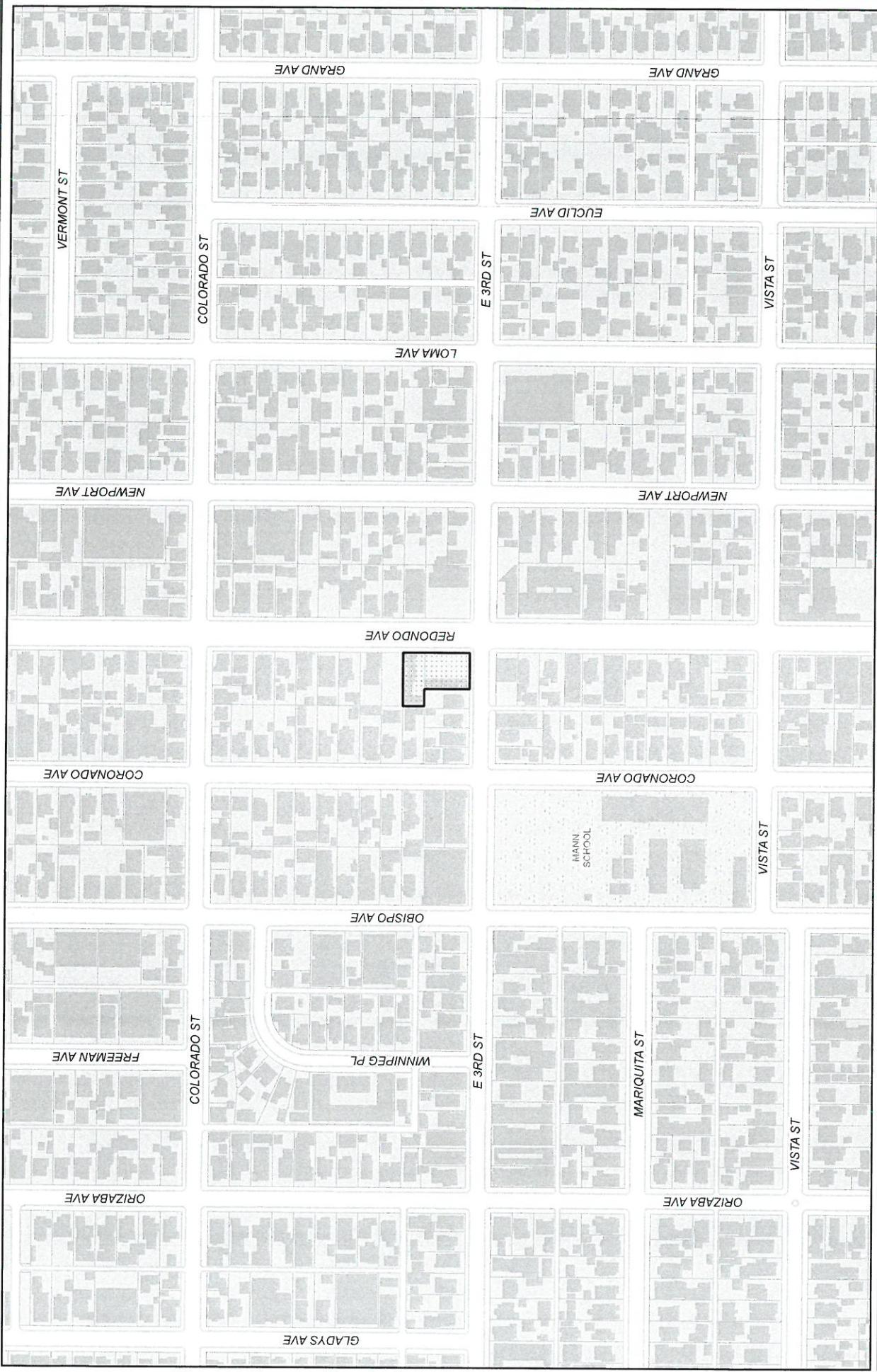


Exhibit A

Subject Property:
301-311 Redondo Ave
Application No. 1605-33
Council District 2
Zoning Code : CNR



CONDITIONAL USE PERMIT FINDINGS

**301-305 and 311 Redondo Avenue
Application No. 1605-33
December 1, 2016**

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 Conditional Use Permit for the sale of beer, wine, and distilled spirits in conjunction with a convenience store is consistent with the requirements of this district. No specific plan applies to the subject site. The project is also consistent with the zoning regulations of the CNR zoning district, as the off-site sale of alcoholic beverages for a convenience store is allowed through the Conditional Use Permit process in this district, and includes conditions of approval to prevent nuisances and minimize potential negative impacts to surrounding areas.

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

The sale of beer, wine and distilled spirits for off-site consumption has occurred at the site for 26 years, with little to no history of crime and with low calls for service from the Long Beach Police Department. The continuation of the sale of beer, wine, and distilled spirits in conjunction with a convenience store located within an existing building, as such, is not expected to be detrimental to the surrounding community. Conditions of approval are included to ensure minimization of any negative impacts associated with the operation of the proposed project. Conditions include security measures to prevent nuisances and loitering and to ensure the safe operation of the facility.

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 convenience store is within an existing commercial center and has a total of 17 parking spaces. 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 commercial center consists of a 2,400-square-foot building on one pad and a 2,500-square-foot on a separate pad. Based on the square footage, 20 parking spaces would be required for the retail center. However, given the fact that the building was built for retail and the proposed use is for the sale of alcohol, with no exterior expansion of square footage, no additional parking spaces are required.

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

The Long Beach Police Department reviewed this application. The LBPD had no objections to the request provided that Conditions of Approval be incorporated that require security cameras, night lighting, the limitation on operational hours of alcohol sales, and that measures required by the Long Beach Police Department have been incorporated.

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 #18 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 the LBPD; however, it is in an

over-concentrated district for off-site alcohol sales. In the subject census tract (5771.00), four licenses for off-site alcohol sales are allowed and there are eight licenses currently active. Staff consulted with the LBPD on this application and they expressed no opposition provided that they incorporate security measures such as security cameras. Therefore staff is requesting that the 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 convenience store is located approximately 400 feet from an existing elementary school. The previous use, Casey's Liquor Store, included the sale of beer, wine, and distilled spirits through a Type 21 alcohol license from 1990 to August 2016, with no adverse effects in the community noted or reported. The proposed Conditional Use Permit will allow for the continuation of the sale of beer, wine, and distilled spirits at the site along with conditions of approval to ensure that security measures and operational limitations are in place to prevent any potential impacts. As such, there is little probability that adverse effects will result from the establishment of alcohol sales with incorporation of security measures such as security cameras. Staff recommends that the Planning Commission waive this requirement in light of the benefits incurred by the community through inclusion of the Conditional Use Permit.

CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

301-305 and 311 Redondo Avenue

Application No. 1605-33

Date: December 1, 2016

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, wine and distilled spirits for off-site consumption (Type 21 License) at a convenience store located within an existing building at 301-311 Redondo 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. 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.
5. 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.
6. Installation of any exterior newsstands and vending machines shall be prohibited.
7. 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.
8. No alcoholic beverages shall be consumed on the property, or on adjacent

- properties under control of the licensee.
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- 9. No sales to any person appearing to be or actually being intoxicated shall be allowed.
 - 10. 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.
 - 11. There shall be no 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, sold as singles at the licensed premises.
 - 12. 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.
 - 13. 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.
 - 14. Hours of alcohol sales shall be limited from 8:00 am to 10:00 pm Monday – Thursday, and 8:00 am to 11:30 pm, Friday – Sunday.
 - 15. A numbering address sign shall be located at the front of the building, to the satisfaction of the Long Beach Police Department.
 - 16. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
 - 17. 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 LBPD. A Public Internet Protocol (IP) address and user name/password to allow the 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.
 - 18. 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.

19. The applicant shall obtain a building permit for a tenant improvement prior to issuance of a business license.
 20. Any and all employees hired to sell alcoholic beverages shall provide evidence that they have either:
 - 20.1 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,
 - 20.2 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:
- 20.3 The ABC-licensed proprietors shall have confirmed with the Department of Development Services 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 Bureau each required LEAD Program Certificate evidencing completion of said course.
21. Deliveries shall be limited to non-peak hours, generally between 9 a.m. and 6 p.m.
 22. All commercial vehicle delivery trucks must use commercial streets for deliveries.
 23. The sales of beer or malt beverages in quantities of quarts, 22oz., 32oz., or 40oz., or similar size containers are prohibited.
 24. 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).

25. 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.
26. All sales of alcoholic beverages shall be made within the premises.

Standard Conditions:

27. 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.
28. 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.
29. 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).
30. 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.
31. 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.
32. 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).

33. Any graffiti found on site must be removed within 24 hours of its appearance.
34. 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.

**LOT MERGER
CONDITIONS OF APPROVAL
301-311 Redondo Avenue
Application No. 1212-13
December 1, 2016**

1. This permit and all development rights hereunder shall terminate one year from the effective date (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date) of this permit unless the notice of Lot Merger is filed with the County Recorders Office, as required in Section 20.28.070 of the Long Beach Municipal Code.
2. This permit shall be invalid if the owners and/or applicants have failed to return written acknowledgment of their acceptance of the conditions of approval on the Conditions of Approval Acknowledgment 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).
3. The Lot Merger shall not be recorded until evidence is provided that all lots are under the same ownership.
4. 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.
5. The developer shall record a Certificate of Compliance, to be provided by Planning Bureau staff, with the Los Angeles County Recorder within 90 days of the date of final action of this Lot Merger. The Department of Development Services shall withhold final inspection of any tenant improvement building permit, issuance of a Certificate of Occupancy, or approval of a City of Long Beach Business License, as necessary in the judgment of the Director of Development Services, until this requirement has been met to the satisfaction of the Director of Development Services.
6. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.

EXHIBIT E



NOTICE of EXEMPTION from CEQA

CITY OF LONG BEACH | DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lcls.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 Filings
12400 E. Imperial Hwy., Room 1201
Norwalk, CA 90650

Project Title: CE- 16-132

Project Location/Address: 305 & 311 REDONDO AVENUE

Project Activity/Description: LOT MERGER & CUP FOR TRANSFER & USE OF
ABC TYPE Z1 LICENSE AT SAME LOCATION.

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

Applicant Name: Rahul Palival

Mailing Address: 1507 7th St. #201, SANTA MONICA CA 90401

Phone Number: (310) 955-1041 Applicant Signature: _____

BETWEEN THIS LINE FOR STAFF USE ONLY

Application Number: 1605-33 Planner's Initials: JR

Required Permits: Conditional Use Permit and a lot merger

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: Jorse Ramirez Contact Phone: 570-6952

Signature: Jorse Ramirez Date: 12-1-2016