



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • FAX (562)570-6068

NOTICE OF FINAL ACTION

Application No.: 0807-12

Project Location: 4100 Atlantic Avenue

Applicant: William Yoon Oak
4100 Atlantic Avenue
Long Beach, CA 90807

Permit(s) Requested: Conditional Use Permit

Project Description: A Conditional Use Permit request to legalize off-site sales of beer, wine and distilled spirits, and unpermitted construction at a liquor store located at 4100 Atlantic Avenue in the CNP zone.

Action was taken by the: Planning Commission on:
October 2, 2008

Decision: Conditionally Approved

Action is final on: October 2, 2008

This project is NOT in the Coastal Zone.

"If you challenge the action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or issues raised via written correspondence delivered to the (public entity conducting the hearing) at or prior to the public hearing."

See other side for City of Long Beach and California Coastal Commission appeal procedures and time limits.

Derek Burnham
Current Planning Officer

Scott Kinsey, Planner
Phone No.: (562)570-6461

Attachments

District: 8

**CONDITIONAL USE PERMIT
REVISED CONDITIONS OF APPROVAL**

4100 Atlantic Ave.

Application No. 0807-12

October 2, 2008

1. The use permitted on the subject site, in addition to the other uses permitted in the CNP zoning district, shall be off-site sales of beer, wine, and distilled spirits at a liquor store.
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 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).

Special Conditions:

4. Prior to issuance of a business license, the applicant or operator shall comply with the following conditions. Those conditions applying to the continuing operation of the site shall remain in effect after business license issuance.
 - a. All existing publicly accessible telephones shall be removed. Publicly accessible telephones shall be prohibited on the exterior of the premises.
 - b. The windows of the store shall be maintained free of signage or other obstructions in excess of 10% of each window area. Window signs displaying prices shall be prohibited. Any existing violations of this condition shall be remedied.
 - c. All exterior newsstands and vending machines shall be removed. Installation of any exterior newsstands and vending machines shall be prohibited.
 - d. All barbed wire shall be removed from the subject site.
 - e. All exterior lighting systems shall be repaired and upgraded to the satisfaction of the Director of Development Services. All exterior lighting systems shall be maintained in good working condition.

- f. The operator shall remove all graffiti on the site, including the rock façade.
5. Within 60 days of approval of this application, the operator shall obtain all necessary building permits to legalize or remove the unpermitted additions to the building. Failure to comply shall cause the City to begin proceedings to revoke this Conditional Use Permit and any business license for liquor sales at this site.
6. Within 180 days of approval of this application, the operator shall obtain a building permit to construct an adequately sized trash enclosure per Section 21.45.167 of the Zoning Ordinance. The designated trash area shall not abut a street or public walkway and shall be placed at an inconspicuous location on the property to the satisfaction of the Director of Development Services. The trash enclosure shall be constructed of masonry and shall have a visually solid metal gate. Construction of the trash enclosure shall be completed within 180 days of building permit issuance.
7. The rock façade shall not be painted as long as it remains part of the building. The operator shall provide for maintenance of the rock façade in good condition. This shall include power washing or steam cleaning as often as necessary to prevent buildup of dirt and grime.
8. Prior to approval of a final inspection for legalization or removal of the unpermitted additions, the operator shall remove all plywood and any other obstructions on the boarded-up Atlantic Avenue façade and install windows. The interior of the store shall be reorganized as necessary to provide a clear and unobstructed view into the store from Atlantic Avenue. Condition #5b shall also apply to these windows.
9. These conditions of approval may be modified by the Director of Development Services to accommodate any necessary design changes.
10. The operator shall provide for repainting of the building. The proposed color scheme shall be submitted to the Department of Development Services for review and approval before painting occurs.

Standard Conditions:

11. Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Director of Development Services.
12. 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.

13. 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.
14. 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).
15. 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.
16. The Director of Development Services is authorized to make minor modifications to the approved design 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.
17. Any off-site improvements found to be damaged as a result of construction activities related to this project shall be replaced to the satisfaction of the Director of Public Works.
18. A permit from the Department of Public Works shall be required for any work to be performed in or over the public right-of-way.
19. Site development, including landscaping, shall conform to the approved plans on file with the Department of Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
20. 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).
21. Any graffiti found on site must be removed within 24 hours of its appearance.

22. The operator of the approved use shall prevent loitering in all parking and landscaping areas serving the use during and after hours of operation. The operator must clean the parking and landscaping areas of trash debris on a daily basis. Failure to do so shall be grounds for permit revocation. If loitering problems develop, the Director of Development Services may require additional preventative measures such as but not limited to, additional lighting or private security guards.
23. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
24. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for review and approval prior to the issuance of a building permit.
25. Prior to the issuance of a building permit, the applicant shall submit architectural, landscaping and lighting drawings for the review and approval of the Police Department for their determination of compliance with Police Department security recommendations. For more information, contact Cpl. Erickson at (562) 570-7448.
26. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
27. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
28. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
29. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed
30. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.

31. 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.