



Date: November 5, 2013

To: Honorable Mayor Foster and Members of the City Council

From: Gary DeLong, Councilmember, Third District

Subject: 5295 East 2nd street, dba Pho Nomeno Incorporated, ABC License

Below are proposed conditions for your consideration for an original application of an On-Sale Beer and Wine license for a bonafide eating place.

1. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 11:30 a.m. and 10:00 p.m. from Sunday through Thursday; and between the hours of 11:30 a.m. to 11:00 pm on Fridays and Saturdays each week.
2. The sale of beer and/or wine off the premises is strictly prohibited.
3. There shall be no amusement machines, pool tables, billiard tables or video game devices in the premises at any time.
4. There shall be no live entertainment, dancing, disc jockey and no amplified music or stereo systems permitted on the premises at any time.
5. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
6. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of licensee.
7. There shall be no exterior advertising promoting or indicating the availability of alcoholic beverages.
8. Sound shall not be audible within fifty feet (50') from the exterior of the premises in any direction.
9. There shall be no bar or lounge area upon the licensed premises maintained for the purpose of sales, service or consumption of alcoholic beverages directly to patrons for consumption.
10. The permittee shall take reasonable measures to prohibit and prevent the loitering of persons immediately outside the establishment at all times.
11. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed.

12. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the city on demand.
13. The permittee shall install and maintain a video surveillance system that monitors no less than the front and rear of the business with full view of public right-of-ways and any parking lot under the control of the permittee. The video system must be capable of delineating on playback the activity and physical features of persona and areas within the premises. Recordings shall be retained for a minimum of 30 days and be accessible via the Internet by the Long Beach Police Department. A Public Internet Protocol (IP) address and user name/password is also required to allow the Long Beach Police Department to view live and recorded video from these cameras over the internet. All video security cameras shall be installed to the satisfaction of the Chief of Police, Director of Technology Services, and Director of Development Services. At the discretion of the Chief of Police, the permittee may be required to add additional video cameras.
14. During the hours of operations, the rear door(s) of the establishment shall remain closed at all times except to accept deliveries and in cases of emergency. The rear door(s) shall be constructed of a solid material to help reduce noise pollution and shall not consist solely of a screen or ventilated security door. No deliveries shall occur from 10:00 p.m. until 8:00 a.m. each night.
15. Employees shall not discard trash or bottles into the outside dumpsters between the hours of 10:00 p.m. and 8:00 a.m.
16. The permittee shall install no more than one (1) television screen on the premises.
17. The licensee shall be responsible for maintaining free of litter and graffiti the area adjacent to the premises over which they have control. All graffiti on the premises shall be removed or covered with in 24 hours of its appearance.

GD: cv