

**CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL**

456 Elm Avenue

Application No. 2107-15 (CUP21-013)

Date: December 2, 2021

1. This Conditional Use Permit approval is for the sale of beer and wine for on-site and off-site consumption at a multi-tenant commercial kitchen and restaurant, with up to ten individual Alcoholic Beverage Control (ABC) Type 41 Licenses. All Conditions of Approval from Application No. 2011-19 shall remain in full effect, with any of the more restrictive conditions taking precedence.
2. Within thirty (30) days from the approval of and acceptance of the CUP and associated Conditions of Approval, the Applicant shall provide a copy of the CUP together with the Conditions of Approval to the local (or regional) office of the State Alcoholic Beverage Control Department.
3. 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.
4. 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).

Operational Conditions:

5. The subject location (Ghost Kitchen) shall be prohibited from establishing a full bar within any portion of the building.
6. The applicant shall be responsible for maintaining the premises and adjoining sidewalks adjacent to Ghost Kitchen free of debris and litter.
7. The operator of Ghost Kitchen shall designate a single point of contact who will be responsible for managing all ten ABC Licenses approved under Application No. 2107-15. The designee shall be responsible for maintaining all operational Conditions of Approval herein. Prior to the approval of any business licenses for any portion of Ghost Kitchen, the operator shall submit the contact information of the designated point of contact and shall keep this information updated, as needed. Failure to comply with Conditions of Approval on an ongoing basis shall be grounds for permit revocation.

Alcohol Related Conditions:

8. Sales of alcohol, including inspection of identification to verify age of purchaser, and observation of purchaser to ensure no sales to intoxicated persons, shall be completed by authorized employees of the license that are directly supervised by an employee aged at least 21 years.
9. There shall be no exterior advertising or signage of any kind or type, including advertising directed to or visible from the exterior of the establishment, promoting or indicating the availability of beer, wine or other alcoholic beverages.
10. Prior to commencement of alcohol service, the applicant shall submit a plan for approval by the Director of Development Services regarding an employee alcohol awareness training program and policies. The plan shall outline a mandatory alcohol awareness training program for all employees having alcohol sales contact with the public and shall state management's policies addressing alcohol consumption and inebriation. The program shall require all employees having contact with the public to complete a California Department of Alcoholic Beverage Control (ABC) sponsored alcohol training program (e.g., "Leadership and Education in Alcohol and Drugs" (LEAD) within 90 days of the effective date of the Conditional Use Permit. In the case of new employees, the employee shall attend and complete the alcohol awareness program within 90 days of hiring. In the event ABC no longer sponsors an alcohol training program, all employees having contact with the public shall complete an alternative program as approved by the Director of Development Services. The Applicant shall provide the City with an annual report regarding compliance with this condition. This project shall be subject to any future City-wide alcohol awareness training program condition affecting similar establishments.
11. The operator shall maintain full compliance with all applicable laws (including laws dictating the location of the sale of alcoholic products), Alcohol Beverage Control laws, ordinances, and stated conditions. In the event of a conflict between the requirements of the Site Plan Review approval, this Conditional Use Permit or Alcoholic Beverage Control license, the more stringent regulation shall apply.
12. 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.
13. Hours of alcohol sales shall be limited from 11:00 am to 10:00 pm daily.
14. All sales of alcoholic beverages shall be made within the premises.

Security Conditions

15. The operator shall provide exterior video security cameras of all entries and exits into the building. Cameras must record in color with output of at least four hundred eighty (480) lines resolution. Recordings shall be retained for no less than (30) days on an IP-configurable Digital Video Recorder (DVR) or digital storage setup with a public IP address. The surveillance system username and password shall be provided to the Long Beach Police Department. Neither this Condition nor the

installation, existence, or operation of such cameras shall impose, be the basis of, or cause to arise in favor of anyone, a legal duty of the operator or any person or entity to monitor, observe, report, or take any action of any kind regarding whatever activities, actions, or omissions, said cameras may or may not capture, monitor, observe, or record.

16. The operator shall install crime prevention signage at appropriate locations, to the satisfaction of the Chief of Police, or his/her designee.
17. Prior to the issuance of a Certificate of Occupancy, the operator shall install adequate lighting for Ghost Kitchen, to the satisfaction of the Chief of Police, or his/her designee.

Standard Conditions

18. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
19. Installation of any exterior newsstands shall be prohibited.
20. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted outside of the subject facility.
21. The operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking (if any) or other actions.
22. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
23. 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.
24. Any graffiti found on site must be removed within 24 hours of its appearance.
25. All conditions of approval must be printed verbatim on every set of plans submitted for plan review to the Department of Development Services.