

**CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL
Application No. 2206-16 (CUP22-022)
2038-2040 E 4th Street
January 5, 2023**

1. This approval is for a Conditional Use Permit (CUP) to allow on-site sales and consumption beer, wine, and distilled spirits (Alcoholic Beverage Control License Type 47) at a new restaurant with a bar within an existing 1,943-square-foot tenant space, located at 2038-2040 East 4th Street in the Neighborhood Pedestrian (CNP) Zoning District.
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 (ABC).
3. The primary use of the premises shall be for a restaurant (as defined in LBMC Section 21.15.2310) with sit-down meal service to patrons during all business hours of operation. The establishment shall at all times maintain a full kitchen in which a variety of food is prepared or cooked on the premises for immediate consumption.
4. 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.
5. 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.
6. 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).

Operational Conditions

7. The proposed project shall conform to the site plan, as shown on plans reviewed by the Planning Commission on January 5, 2023; except as modified by the subject conditions of approval.

8. The subject location shall be maintained as a sit-down restaurant with a full food menu available at the bar and the surrounding dining areas.
9. The primary use of this establishment shall be a sit-down restaurant at all times and is shall not be permitted to be converted into a bar at any time.
10. There shall be no live entertainment, dancing, disc jockey and no live amplified music or stereo systems permitted on the premises at any time, unless a separate Entertainment with or without Dancing Permit is applied for and granted by The City of Long Beach. Recorded music played through a speaker system within the premises is permitted.
11. Window signage is limited to ten (10) percent of each window area; the remaining window area (comprised of all windows and doors including all storefront glazing) shall remain free of signage or other obstructions. Window signs displaying prices or alcohol sales shall be prohibited.
12. Any expansion of the bar area shall be subject to a modification to the Conditional Use Permit.
13. There shall not be any age limitation imposed restricting access to any portion of the restaurant.
14. The owner/operator shall provide contact information for the onsite restaurant manager to all adjacent and adjoining property owners/occupants in case of nuisance or noise complaints. A sign shall also be posted onsite with this contact information.
15. Hours of operation are allowed as follows:
 - a. Sunday through Thursday, 8 a.m. – 11 a.m.
 - b. Friday and Saturday, 8 a.m. – 12 a.m.
16. The permittee shall take reasonable measures to prohibit and prevent the loitering of persons immediately outside the establishment at all times.
17. The owner/operator shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
18. The operator of the approved use shall prevent loitering along the sidewalk and alley areas, including landscaping areas serving the use, during and after hours of operation. The operator shall clean the sidewalk areas of trash and debris on a daily basis.

Alcohol-Related Conditions

19. 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

20. Full and complete meals must be offered and made available at all times the premises is exercising the privileges of its alcoholic beverage license, with the exception of the last ½ hour of operation each day.
21. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
22. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of licensee.
23. 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.
24. Prior to the 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 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 hire. 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.
25. The operator shall maintain full compliance with all applicable laws, Alcohol Beverage Control 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.
26. Peace officers, as listed in Section 830.1 of the California Penal Code, and the Director and other persons employed by the Department of Alcoholic Beverage Control for the administration and enforcement of the Alcoholic

Beverage Control Act are hereby authorized to visit and inspect the proposed premises as outlined in red on the most recently certified ABC-257, at any time the undersigned is exercising the privileges authorized by the license on such premises.

Security Conditions

27. Prior to issuance of a building permit, the applicant shall provide information on fixtures, mounting heights, and locations for building and patio lighting to be approved by the Director of Development Services.
28. Exterior lighting shall be maintained to the satisfaction of the Police Chief and the Director of Development Services.
29. 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.

Standard Conditions

30. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
31. Operator shall comply with the occupancy load and shall post and maintain Occupancy limit signs at all times within the restaurant.
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 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).
33. The establishment shall comply with the provisions of the City's Noise Ordinance as contained in Title 8 of the LBMC.
34. The operation shall be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities,

parking (if any) or other actions.

35. The operator of the approved use shall prevent loitering along the sidewalk area and the operator shall clean the sidewalk areas on a daily basis.
36. 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.
37. 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 or other actions. Applicant shall prevent loitering in the parking area (if any) and shall control noisy patrons leaving the establishment.
38. 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 Site Plan Review Committee or Planning Commission, respectively.
39. Minor amendments to any Plans referenced in these Conditions of Approval shall be subject to the approval of the Director of Development Services. Any significant change, as determined in the sole discretion of the Director of Development Services, in the approved Plans or concept shall be subject to Planning Commission review. No expansion or reconfiguration in the number of seats, the intensity of operation, or the outdoor seating area shall occur without the prior approval of the City.
40. Any graffiti or marking upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted within 24 hours of being applied.
41. A signed copy of the 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.
42. At the discretion of City officials, a yearly inspection shall be conducted to verify that all conditions herein are being satisfied. The property owner shall reimburse the City for the inspection cost as established by the City Council.
43. Any construction shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.

44. 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

45. 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.