

**CONDITION USE PERMIT  
CONDITIONS OF APPROVAL**

**3404 E. 4<sup>th</sup> Street  
Application No. 1911-14 (CUP19-041)  
May 21, 2020**

1. The use permitted on the subject site, in addition to the other uses permitted in the CNR zoning district, shall be a restaurant with a bar along with a (Type 47 License) beer, wine and distilled spirits for on-site consumption. This approval is for a Type 47 (On Sale General Eating) ABC license only. Any request to modify this ABC license shall require approval of the Planning Commission.
2. 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. 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. Applicant shall maintain records of gross revenue sources which shall be submitted annually to the Department of Development Services for review. The first annual submission shall be due to the City no later than one calendar year from the issuance of the CUP and annually thereafter.
3. Within thirty (30) days from the approval of and acceptance 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.
4. All unpermitted encroachments on the public right-of-way shall be removed and brought back to original.
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 and all development rights hereunder shall terminate two 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 two year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
7. 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 form 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

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date).

### **Operational Conditions** [AO1] [RC2]

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 area.
9. There shall be no expansion the existing dining and bar area. Seating arrangements for sit-down patrons as indicated on floor plan dated October 12, 2019 as "Exhibit B", of the Planning Commission's Staff Report Dated May 7, 2020 for Application No. 1911-14 and incorporated herein by this reference as though set forth in full.
10. There shall not be any age limitation imposed restricting access to any portion of the restaurant.
11. The restaurant hours of operation shall be from 6:00 am to 2:00 am daily.
12. There shall be no net increase in parking unless off-site parking is provided in accordance with the Long Beach Municipal Code requirements.

### **Alcohol Related Conditions**

13. 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.
14. 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 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.
15. 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,

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or Alcoholic Beverage Control license, the more stringent regulation shall apply.

16. The sale of alcoholic beverages shall stop one hour prior to the close of the business and shall be subject to state law, which prohibits the sale of alcohol between 2 a.m. to 6 a.m.

### Security Conditions [AO3] [RC4]

17. The operator shall provide exterior video security cameras of all entries and exits into the building and full camera coverage of all exterior public rights-of-way and private parking areas provided by the business, if any. 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 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

18. The restaurant shall be established and operate in accordance with the Site Plan submitted and approved by the Planning Commission as part of the CUP application and dated October 23, 2019, as attached hereto as "Exhibit B" and incorporated herein by reference as though set forth in full.
19. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
20. Operator shall comply with the occupancy load and shall post and maintain Occupancy limit signs at all times within the restaurant.
21. The establishment shall at all times comply with the provisions of the City's Noise Ordinance as contained in Title 8 of the LBMC.
22. The operator of the approved use shall prevent loitering along the sidewalk area 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.
23. 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. Applicant shall prevent loitering in the parking area (if any) and shall control noisy patrons leaving the establishment.

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24. 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, intensity of operation, or outdoor seating area shall occur without the prior approval of the City.
25. Applicant shall defend, indemnify, and hold harmless, the City and its boards, commissions, agents, officers, and employees (collectively "City") from any claims, actions, or proceedings (individually referenced as "Claim" and collectively referred to as "Claims") filed against the City to attack, set aside, void, or annul the approval of the subject CUP or related entitlements, or any Claims brought against the City due to acts or omissions in any way connected to the Applicant's project. City shall promptly notify the Applicant of any Claim and shall cooperate in the defense of the Claim. Applicant shall be responsible to pay any and all costs of defending any claims brought against the City including any and all costs, including attorney's fees, incurred by the City in defense of the Claim or Claims.
26. Any graffiti found on site must be removed within 24 hours of its appearance.
27. 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.
28. 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.
29. 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.
30. 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
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

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- 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.
32. Provide new total gas loads to see if existing meter(s) and service line(s) need to be upsized to the satisfaction of the Long Beach Energy Resources Department.
  33. The enclosure size for the meter set assembly may need to be increased to accommodate a bigger meter and most recent clearance requirements [AO5][RC6] and standards for the gas facilities to the satisfaction of the Long Beach Energy Resources Department.
  34. In accordance with Long Beach Municipal Code Section 21.45.167 the trash enclosure will need to demonstrate compliance with code before plan check is approved by planning and before permits are pulled for the project.
  35. All existing parking on-site needs to be restriped to meet the Long Beach Municipal Code Chapter 21.41 before plan check plans are approved by planning and before permits are pulled for the project.