

**CONDITIONAL USE PERMIT  
CONDITIONS OF APPROVAL  
1388 Daisy Avenue  
Application No. 1910-25 (CUP19-039)  
June 18, 2020**

1. The Conditional Use Permit approval is for a Type 21 (Alcoholic Beverage Control - License Type 21) Alcoholic Beverage Control license only. Any request to modify this ABC license shall require approval of the Planning Commission.
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 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 one 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 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 date).

**Special Conditions**

5. The sales of alcohol shall be in conjunction with a delivery only, multi-kitchen commissary. Any changes in the operation or floor plan shall be reviewed by the Director of Development Services to ensure compliance with this approval.
6. No alcoholic beverages or beverages containing alcohol shall be served on-site
7. All conditions of approval, including cover letter signed by the Planning Officer and Case Planner, must be printed verbatim on all plans submitted for plan review.
8. The applicant shall comply with Technical Advisory Committee (TAC) In-Lieu comments imposed by other departments, as applicable.
9. 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.

10. The windows shall be maintained free of signage or other obstructions in excess of 10 percent of each window area. Window signs displaying prices shall be prohibited.
11. Windows on the west elevation shall be reopened as shown on the approved tenant improvement under permit number BRMD232751 within 90-days from the expiration of the appeal period for Application No. 1910-25.
12. Fencing on the Public Right Away shall be removed as shown on the tenant improvement plans under permit number BRMD232751 within 90-days of approval from the expiration of the appeal period for Application No. 1910-25.

### **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. Happy hours and promotions shall not be directly marketed to local college students, such as, but not limited to, those students attending Long Beach Community College or Cal State University, Long Beach. This includes targeted advertising placed in local college newspapers, radio stations, college publications or the like. The restaurant shall not participate in organized "pub or bus crawl" events where participants or customers pre-purchase tickets or tokens to be exchanged for alcoholic beverages at the establishment.
16. 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.

17. In the event the business at the subject location is sold to another entity or person the rights granted under this Conditional Use Permit will be modified to the extent that the liquor license shall be downgraded to a Type 41 (beer and wine) license. If the new owner wishes to upgrade to a Type 47 license, they will be required to apply for a Conditional Use Permit and the Planning Commission shall review and act on that request.

### **Security Conditions**

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

### **Standard Conditions**

19. Site development, including landscaping, shall conform to the approved plans on file with Long Beach Development Services (BRMD232751). At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Health Department stamps shall be maintained at the job site at all times for reference purposes during construction and final inspection.
20. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
21. Operator shall comply with the occupancy load and shall post and maintain Occupancy limit signs at all times within the restaurant.
22. 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.
23. Separate building permits are required for signs, fences, retaining walls, trash enclosures, flagpoles, pole-mounted yard lighting foundations and planters.
24. Any off-site improvements found to be damaged shall be replaced to the satisfaction of the Director of Public Works.
25. The establishment shall at all times comply with the provisions of the City's Noise Ordinance as contained in Title 8 of the LBMC.
26. In accordance with LBMC 21.52.212 (Annual Reinspection), all projects for which a conditional use permit is approved shall be required to undergo an annual reinspection to verify compliance with the conditions of approval. The property owner shall be required to

pay an annual fee to the City as established by the City Council to cover the costs of the reinspection program.

27. The operator of the approved use shall prevent loitering along the sidewalk and in the parking lot serving the use during and after hours of operation. If loitering and/or noise problems develop, the Director of Development Services may require additional prevention measures such as, but not limited to, private security guards.
28. 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.
29. 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.
30. No exterior activity such as trash disposal, disposal of bottles or noise generating trash, deliveries, or other maintenance activity generating noise audible from the exterior of the building shall occur during the hours of 11:00 pm to 7:00 am daily. In addition there shall be no outdoor cleaning of the property with pressurized or mechanical equipment during the hours of 9:00 pm to 7:00 am daily. Trash containers shall be secured with locks.
31. 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.
32. Any graffiti found on site must be removed within 24 hours of its appearance.
33. All conditions of approval must be printed verbatim on all plans submitted for review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.