



**CITY OF BEAUMONT
PLANNING DEPARTMENT
DRAFT CONDITIONS OF APPROVAL**

PLANNING COMISSION DATE: January 12, 2021

PROJECT NAME: 2nd Street Cinema – ABC & PCN

PROJECT NO: CUP2020-0054

DESCRIPTION: Request for an ABC Type 47 (On-Sale General Eating Place) Liquor License to Sell Beer, Wine and Distilled Spirits and a Public Convenience and Necessity (PCN) for the 2nd Street Cinema located at 1491 E. 2nd Street (APN 419-260-057) in the San Gorgonio Village Specific Plan.

APPLICANT: Beaumont Cinema LLC

LOCATION: 1491 E. 2nd Street

APN: 419-260-057

PROJECT

Note: Any conditions revised at a hearing will be noted by ~~strikeout~~ (for deletions) and/or underline (for additions), and any newly added conditions will be added at the end of all conditions regardless of the Department originating the condition.

STANDARD CONDITIONS

1. The permit for the above referenced Conditional Use Permit and property consists of all Conditions of Approval herein. All Conditions of Approval for CUP2020-0054 and other related approvals are still in effect.
2. The use hereby permitted is for the establishment of a Type 47 On-site sale of beer, wine, and distilled spirits at 1491 E, 2nd Street, in the San Gorgonio Village Specific Plan.
3. The permittee shall defend, indemnify, and hold harmless the City of Beaumont, the Beaumont Redevelopment Agency, its agents, officers, consultants, and employees from any claims, action, or proceeding against the City of Beaumont or its agents, officers, consultants, or employees to attack, set aside, void, or annul, an approval of the City of Beaumont, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit CUP2020-0054. The City of Beaumont will promptly notify the permittee of any such claim, action, or proceeding against the City of Beaumont and will cooperate fully in the defense. If the City fails to promptly notify the permittee of any such claim, action or proceeding or fails to cooperate fully in the defense, the permittee shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Beaumont.

4. This approval is subject to the City of Beaumont Municipal Code Section 17.02.100 Conditional Use Permits and is subject to timing specified in Sections (J) Conditional Use Permit Time Limits, (K) Conditional Use Permit Lapse in Time, (L) Conditional Use Permit Renewal and (M) Lapsing in Conditional Use Permit.
5. This permit shall be for the use and plan specifically approved at this location. The permit shall not be transferrable to another location and any modification to the site plan may require a new Conditional Use Permit approval.
6. The floor plans of the project shall substantially conform to the plans submitted and approved.
7. The uses entitled pursuant to the permit shall comply with the Beaumont Municipal Code and all other applicable City of Beaumont ordinances and state and federal codes. The development of the premises shall conform substantially with that as shown on the approved site plan, unless otherwise amended by these conditions of approval.
8. All subsequent submittals required by these conditions of approval, including but not limited to landscape plans, grading plans, building plans, improvement plans or mitigation monitoring plans, shall be subject to the payment of review fees by the permittee as set forth herein.
9. For Sales Tax Purposes, this location shall be the "Point-of-Sale" for all transactions conducted.
10. If any of the conditions of approval are violated, or if the use otherwise become a public nuisance as set forth in the Beaumont Municipal Code, the conditional use permit may be revoked as prescribed in the Municipal Code.
11. The Planning Commission herewith grants a "certificate of convenience and necessity" for Type 47 – On-Sale of Beer, Wine and Distilled Spirits License for sales at 1491 E. 2nd Street in the San Gorgonio Village Specific Plan.
12. The sale of alcoholic beverages shall be limited to the hours of operation from 11:00 am to 10:00 pm, seven (7) days a week and Alcohol Beverage Control regulations.
13. The conditions as established by the State of California, Alcohol Beverage Control, shall be fully complied with in the operation of the business.

14. After 12 months of operation, the subject matter may, at the discretion of the Community Development Director, be scheduled for review by the Planning Commission. The Commission shall retain the authority to amend these conditions of approval at such time, or to modify the use or revoke the permit if substantial problems result from the operation.
15. The applicant shall be responsible for securing clearance, permits and approvals from all relevant agencies, including the Building Department, Fire Department, Health Department, ABC and any other necessary departments or agencies.
16. This permit shall be for the benefit of the applicant in whose name the permit was issued, for the specific approved location. The permit shall not be transferrable to another individual or location.
17. All signage shall be developed in conformance with the zoning ordinance of the Beaumont Municipal Code, the San Gorgonio Village Specific Plan Sign Program and Alcohol Beverage Control requirements.
18. Administrative Plot Plan and business license application review and approval are required prior to occupancy of the building or sales of any items.
19. Occupancy inspections will be required prior to the start of operations by the Building & Safety, Planning, Police, and Fire Departments. All inspections shall be performed and approved before a Certificate of Occupancy will be issued by the Building and Safety Department.
20. Exterior signage/advertisements promoting or indicating the availability of alcoholic beverages shall be prohibited. Exterior signage indicating the availability of alcoholic beverages shall be limited to the name of the business.
21. Exposed neon signage is strictly prohibited along the exterior windows. This includes "open/closed" sign for business.

POLICE DEPARTMENT

22. All exterior lighting on the site shall remain functional and be kept on during all hours of darkness. Exterior lighting shall be sufficient to illuminate the storefront during all hours of darkness. Any proposed outside lighting shall be in compliance with the City's Lighting Ordinance, Chapter 8.50, of the City of Beaumont Municipal Code.

23. The address of the business shall be clearly visible from the front of the building and shall be illuminated during hours of darkness.
24. There shall be no loitering permitted on the premises. It is the responsibility of the applicant to enforce no loitering.
 - a. Police officers, sheriff's deputies, and ABC investigators are sworn law enforcement officers (peace officers) with powers of arrest. Whether in plainclothes or uniform, peace officers have the legal right to visit and inspect any licensed premises at any time during business hours without a search warrant or probable cause. It is legal and reasonable for licenses to exclude the public from some areas of the premises. However, licensees cannot and must not deny entry to, resist, delay, obstruct or assault a peace officer (Sections 25616, 25753, and 25755 B&P 148 and 241(b) PC).
 - b. Operating Standards, Retail – The following requirements apply:
25. Post "No Loitering" signs upon written notice from the ABC.
26. Remove litter daily from the premises, adjacent sidewalks and parking lots under licensees' control and sweep/clean these areas weekly.
27. Remove graffiti from premises and parking lot.
28. Have no more than 33% of the windows covered with advertising or signs.
29. The applicant shall have security cameras operating at all times when the business is operating. Security camera quality, lighting and positioning must be capable of providing facial recognition in key areas in and around the facilities, including the parking lot area, during operational hours. During hours of operation, a staff member shall be present who has the authority to meet law enforcement's request to view and/or copy images captured on video surveillance system. All images must be recorded and retained for at least 30 days. The exact location and quantity of all security cameras shall be subject to approval by the Police Department prior to final occupancy.
30. The applicant shall comply with all applicable local, county, state and federal regulations, including the City's Municipal Code and the California Business and Professions Code (B&P).

31. No alcoholic beverage shall be displayed or offered for sale outside the building or any public entrance.

End of Conditions