

**CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL**
Application No. 2212-02 (CUP22-038)
5098 East Ocean Boulevard
May 4, 2023

1. Conditional Use Permit to allow on-site alcohol sales (Type 41 - On-Sale Beer and Wine – Eating Place) at an existing concession stand located at 5098 East Ocean Boulevard within the Park (P) Zoning District.
2. This permit and all development rights hereunder shall terminate three years from the effective date of this permit unless operation/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.
3. 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).

Special Conditions:

4. All previous entitlement approvals (LCDP App. No. 1703-49 and CDP Nos. 5-17-0795 and 5-17-0795-A1) and conditions shall remain in full force and effect, unless explicitly amended herein. The granting of this Conditional Use Permit shall not restrict public access to dining areas at the approved concession stand.
5. The proposed project shall conform to the site plan, as shown on plans reviewed by the Planning Commission on May 4, 2023; except as modified by the conditions of approval.
6. Prior to commencement of alcohol service under this application, the applicant shall obtain approval/clearance from the California Coastal Commission.
7. Any expansion of the alcohol sales area shall be subject to a modification to the Conditional Use Permit.
8. This approval is for the onsite consumption of beer and wine within designated seating areas. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
9. Any California Department of Alcoholic Beverage Control required enclosures around the dining areas shall be a visually open, temporary rope (or similar) enclosure that is to be removed at the close of business each day. This permit

does not permit the construction of a permanent railing system to enclose the dining areas.

10. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of licensee.
11. Alcoholic beverages shall be dispensed, sold, and served in a clear plastic container with an identifiable marking (logo) specific to the concessionaire's business operation. The containers shall be easily distinguishable from non-alcoholic beverage containers.
12. All sales or service of alcoholic beverages in the licensed premises shall be made only from the concession counter. No deliveries of alcoholic beverages shall be permitted. The sale of alcoholic beverages for consumption off-premises is strictly prohibited.
13. The applicant shall post and maintain professional quality signs measuring 12 inches by 12 inches with lettering no smaller than 2 inches in height that read "No Alcoholic Beverages Beyond This Point" at all building and/or outdoor dining exits.
14. The hours of operation shall be at the discretion of the Director of Development Services. The sale of alcoholic beverages shall stop one hour prior to the close of the business.
15. The applicant shall install signage at the outdoor dining areas to enforce smoke-free dining ordinance.
16. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions.
17. There shall be no exterior advertising or signage of any kind, including advertising directed to or visible from the exterior of the establishment, promoting or indicating the availability of alcoholic beverages.
18. The applicant shall maintain full compliance with all applicable laws, Alcoholic Beverage Control (ABC) regulations, ordinance and stated conditions. In the event of a conflict between this permit and ABC license requirements, the more stringent regulation shall apply.
19. Exterior security lighting shall be installed and maintained to the satisfaction of the Long Beach Police Chief and the Director of Development Services.
 - a) Exterior lighting should clearly illuminate the seating areas in front of the building including but not limited to the entrance and exit doors, as well as the business address. Lighting shall also be positioned in such a way to discourage loitering.

20. The operator of the approved use shall prevent loitering in the project site, including landscaping areas serving the use, during and after hours of operation. The operator must clean all walkway areas of trash and debris on a daily basis. Failure to comply with this condition shall be grounds for permit revocation. If loitering and/or noise problems develop, the Director of Development Services may require additional preventative measures such as, but not limited to, additional security lighting and video surveillance.
21. The operator shall install exterior video security cameras and adequate video surveillance to the surrounding area. The cameras shall record video for a minimum of 30 days and made available to the Long Beach Police Department (LBPD) upon request. A Public Internet Protocol (IP) address and user name/password to allow LBPD to view recorded video from the cameras over the Internet. The operator shall also provide LBPD the ability to view live stream video surveillance. All video security cameras shall be installed to the satisfaction of the LBPD Police Chief, Director of Technology Services, and Director of Development Services.
22. No exterior recycling center or exterior vending machines shall be permitted on the project site.
23. There shall be no live entertainment, dancing, disc jockey and no amplified music or stereo systems permitted on the premises at any time.
24. 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.
25. 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.
26. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
27. 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.
28. The operable window system shall be for food and/or beverage passthrough service only. This area shall not support a service area for direct food or beverage service to restaurant patrons.

29. Prior to commencement of alcohol service under this application, a final operations plan related to alcohol service, dining area, and security measures shall be submitted to the Planning Bureau for review and approval. The contents of this operations plan shall include procedures for maintaining onsite security and ensuring compliance with regulations pertaining to alcohol service, noise standards, and occupancy. A copy of the approved operations plan shall be maintained on-site at all times.
- a) Upon a change of operator/concessionaire, an updated operations plan shall be submitted to the Planning Bureau and maintained on-site at all times.
30. Prior to commencement of alcohol service under this application, the Applicant shall submit a plan for approval by the Director of Development Services regarding an employee alcohol awareness 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 citywide alcohol awareness training program condition affecting similar establishments.
31. The ABC-licensed proprietors shall have confirmed with the Development Services Department within 15 days of the final approval of the Conditional Use Permit or within 15 days of the opening to the subject establishment, whichever is later, that a date certain has been scheduled with the local ABC office for said prospective employees to take the LEAD program course; and within 30 days of taking said course the employee(s) or responsible employer shall deliver to the Planning Bureau each required LEAD Program Certificate evidencing completion of said course.
32. No sales to any persons appearing to be or actually being intoxicated shall be permitted.
33. All sales of alcohol shall be directly supervised by an authorized employee of the licensee, aged at least 21 years, including inspection of identification to verify age of purchaser, and observation of purchase to ensure no sales to intoxicated person.

34. A numbering address shall be located at the front of the concession stand, to the satisfaction of the Long Beach Police Department.
35. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.

Police Department Conditions

36. The applicant shall provide for all CPTED (crime prevention through environmental design) recommendations issued for the project by the Long Beach Police Department, in the memo dated February 9, 2022, attached to these conditions of approval and by this reference made a part hereof.

Standard Conditions:

37. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
38. The establishment shall comply with the provisions of the City's Noise Ordinance as contained in Title 8 of the LBMC.
39. 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. Applicant shall prevent loitering in the parking area (if any) and shall control noisy patrons leaving the establishment.
40. 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.
41. Any graffiti found on site must be removed within 24 hours of its appearance.
42. The applicant shall be responsible for maintaining the premises and adjoining sidewalks free of debris and litter.
43. 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.
44. 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.

45. All 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 subsequent reference page.
46. 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).
47. The Director of Long Beach Development Services is authorized to make minor modifications to the approved 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 Zoning Administrator or Planning Commission, respectively.
48. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
49. 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.