

**CONDITIONAL USE PERMIT AND
LOCAL COASTAL DEVELOPMENT PERMIT
CONDITIONS OF APPROVAL
5331 East 2nd Street
App. No. 2004-31 (CUP20-009, LCDP20-015)
September 3, 2020**

1. This Conditional Use Permit (CUP) approval is for the establishment of a full-service dinner restaurant with an on-site bar (Alcoholic Beverage Control License – Type 47 [On-Sale General for Bona Fide Public Eating Place]) in the Coastal Zone at 5331 East 2nd Street in the Neighborhood Pedestrian (CNP) Zoning District.
2. 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.
3. 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 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).

Operational Conditions

5. Prior to the issuance of a Temporary or Final Certificate of Occupancy, whichever comes first, a final operations plan related to alcohol service, patio dining, large events, 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 on-site security and ensuring compliance with regulations pertaining to alcohol service, noise standards, and venue occupancy. A copy of the approved operations plan shall be maintained on-site at all times.
6. 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.

7. The rear door at the alley shall be for emergency egress only. This door shall not be for primary or secondary access to the restaurant.
8. Hours of operation are allowed as follows:
 - a. Monday to Thursday from 11:30 am to 11:00 pm
 - b. Friday from 11:00 am to 12:00 am(midnight)
 - c. Saturday 9:30 am to 12:00 am (midnight)
 - d. Sunday 9:30 am to 11:00 pm
9. The bar area shall remain as shown on the approved plans with 39 linear feet. There shall be no expansion of the bar area without Planning Commission approval.
10. The applicant shall maintain the patio area adjacent to East 2nd Street as dining area with seating.
11. 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.
12. Noise levels emanating from the project's indoor and outdoor areas (outdoor dining) shall not exceed applicable noise standards specified in Long Beach Municipal Code Section 8.80.15 – Exterior Noise Limits.

Alcohol Related Conditions

13. 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 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 California State University, Long Beach. This includes targeted advertising placed in local college newspapers, radio stations, college publications or the like.
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. The sale of alcoholic beverages for consumption off-premises is strictly prohibited.

Security Conditions

18. Prior to issuance of a building permit, the applicant shall provide information on fixtures and mounting heights and locations for building and patio lighting and parking area lighting to be approved by the Director of Development Services.
19. Exterior lighting shall be maintained to the satisfaction of the Police Chief and the Director of Development Services.
20. There shall be no live entertainment of any type, including but not limited to live music, disc jockey, karaoke, topless entertainment, or male dancers. Recorded music may be maintained upon the premises, however, the music shall not be audible outside the premises.
21. The permittee shall maintain full compliance with all applicable laws, ABC 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.
22. All tables and chairs shall remain in place as per the floor plan dated 3/23/2020, and shall not be removed to create standing-room only. A copy of said floor plan/seating plan is attached hereto as "Exhibit B", and incorporated herein by this reference as though set forth in full.
23. The operator shall install exterior video security cameras at the front and rear of the business with full view of the public right-of-way and shall install exterior security video cameras that provide full view of any areas where

- the operator provides parking for its patrons. The cameras shall record video for a minimum of 30 days and be accessible via the Internet by the LBPD. A Public Internet Protocol (IP) address and user name/password to allow LBPD to view live and recorded video from the cameras over the Internet are also required. All video security cameras shall be installed to the satisfaction of the Police Chief, Director of Technology Services, and Director of Development Services.
24. The operator/owner/ tenant 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 must clean the sidewalk 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 requires additional preventative measures such as, but not limited to, private security guards.

Standard Conditions

25. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
26. The establishment shall comply with the provisions of the City's Noise Ordinance as contained in Title 8 of the LBMC.

27. 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.
28. 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.
29. 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.
30. 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.