

**ADMINISTRATIVE USE PERMIT  
CONDITIONAL USE PERMIT AND  
LOCAL COASTAL DEVELOPMENT PERMIT  
CONDITIONS OF APPROVAL**

1900 East Ocean Boulevard

**Application No. 2105-17 (AUP21- 039, CUP21-010, and LCDP21-034)**

**January 5, 2022**

1. Administrative Use Permit, Conditional Use Permit and Local Coastal Development Permit to allow on-site alcohol sales (Type 47 -On-Sale General – Eating Place) at an existing restaurant and outdoor patio with a new 49.9 square-foot bar, located at 1900 East Ocean Boulevard within the Ocean Boulevard (PD-5) Zoning District. There is no proposed exterior modification or exterior improvements at the subject site.
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 during all business hours of operation. 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.
3. Within thirty (30) days from the date of final action of the CUP, 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 (ABC).
4. 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.
5. 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 two-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
6. 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**

7. The subject location shall be maintained as a sit-down restaurant with a full food menu available at the bar and the surrounding dining areas.
8. There shall be no expansion of the dining and the bar area seating arrangements for sit-down patrons as indicated on the proposed floor plan reviewed by the Planning Commission on January 6, 2022.
9. There shall not be any age limitation imposed restricting access to any portion of the restaurant.
10. Hours of operation are allowed as follows:
  - a. The restaurant hours of operation are Monday to Sunday 7 am – 11 pm. The sale of alcoholic beverages within the indoor dining area shall stop at 10 pm.
  - b. The patio hours of operation are Sunday to Thursday 7 am – 9 pm. Sunday to Thursday the sale of alcoholic beverages on the patio shall stop at 8 pm. Friday and Saturday the patio hours of operation are from 7 am – 10 pm and the sale of alcoholic beverages on the patio shall stop at 9 pm.
11. 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.
12. The applicant shall post and maintain urban etiquette signage within the on-site parking area notifying patrons and employees to be quiet, turn radios off and limit idling of vehicles. The size, location, and final content of the sign shall be approved by the Development Services Director or designee and installed prior to the certificate of occupancy.
13. The operator of the approved use shall prevent loitering along the sidewalk and alley areas, 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.

### **Alcohol Related Conditions**

14. 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.
15. 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.

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. Any expansion of the alcohol sales area shall be subject to a modification to the Conditional Use Permit.
18. No sales to any persons appearing to be or actually being intoxicated shall be permitted.
19. 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.
20. Trash shall not be emptied into outside trash containers between the hours of 10:00 pm and 7:00 am.
21. Exterior lighting should clearly illuminate the common areas surrounding 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 or sleeping in the parking lot.

### **Security Conditions**

22. 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, on the rear alley side. 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 representative 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.

23. Exterior lighting shall be maintained to the satisfaction of the Police Chief and the Director of Development Services.

### **Local Coastal Development Permit Conditions**

24. The Applicant is hereby advised that sea level rise could potentially cause physical hazards, such as beach erosion, flooding, and saltwater intrusion upon the subject property. This condition of approval serves in an advisory capacity and does not constitute a vulnerability assessment. The Applicant is encouraged to include adaptive capacity in development with measures such as waterproofing, flood shields, watertight doors, moveable flood walls, partitions, and other flood proofing techniques.
25. To ensure notification of all interested parties and successors in interest, that the City of Long Beach issued an approval of a Local Coastal Development Permit at the subject property, the current property owner shall record the conditions of approval on the property title, in a form approved by the City Attorney, with the Los Angeles County Registrar-Recorder's office prior to the issuance of building permits. The Notice of Restriction shall include a complete property description, the conditions of approval as an exhibit, and contain the notarized signature of the property owner(s). The Notice shall not be removed or amended without the prior written approval of the Director of Development Services.

### **Standard Conditions**

26. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
27. Operator shall comply with the occupancy load and shall post and maintain Occupancy limit signs at all times within the restaurant.
28. 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).
29. The establishment shall at all times comply with the provisions of the City's Noise Ordinance as contained in Title 8 of the LBMC.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT

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January 6, 2022

30. 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.
31. The operator of the approved use shall prevent loitering along the sidewalk area and the operator shall clean the sidewalk areas on a daily basis.
32. 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 or other actions. Applicant shall prevent loitering in the parking area (if any) and shall control noisy patrons leaving the establishment.
33. 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.
34. Any graffiti found on site must be removed within 24 hours of its appearance.
35. 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.
36. 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.
37. 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.
38. 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.
39. 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

40. 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 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.