

**CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL
1395 Coronado Avenue
Application No. 2102-21 (MOD20-09)
March 4, 2021**

1. The Conditional Use Permit modification is for the existing Type 47 (On-Sale General – Eating Place) Alcoholic Beverage Control license only. Any request to modify this ABC license shall require approval of the Planning Commission.
2. The subject conditions of approval shall supersede the conditions of the previously approved Conditional Use Permit, Application No. 1910-25 (CUP18-040). The Site Plan Review conditions of approval for this project, Application No. 1910-25 (SPR20-004), remain in full force and effect.
3. Within thirty (30) days from the approval of and acceptance of the Conditional Use Permit (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.
4. 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.
5. 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

6. No exterior-mounted televisions shall be installed on the premises. Small scale exterior speakers are permitted in the courtyard only and shall be placed in the manner (in the low planter box) and at the locations shown on the attached plans submitted as part of application 2012-21. Amplification equipment other than what is approved by the subject conditions shall be prohibited. Use of approved exterior speakers is only permitted during the hours of 11 a.m. to 8 p.m. Sunday through Thursday and the hours of 11 a.m. to 10 p.m. on Fridays and Saturdays.
 - A. Only small-scale speakers, consistent with the specifications provided in Exhibit B of the subject case file, shall be used in the courtyard. They shall be oriented to direct sound toward the courtyard and away from adjoining uses, as shown on the attached site plan submitted as part of application 2102-21.

- B. Landscaping shall be provided on the inside of the solid fencing along the south property line to provide an additional noise buffer, as shown on the submitted plans.
 - C. Noise from the exterior speakers shall be contained to the site to the greatest extent feasible and shall at all times comply with the City's Noise Ordinance contained in Title 8 of the LBMC.
 - D. The applicant shall post on-site and on the business website the phone number for a complaint line which neighbors can call to lodge noise complaints. Response to complaints shall be addressed within 24 hours, and the operator shall keep a log of complaints for a period of 12 months.
 - E. The applicant shall be required to apply for an annual reinspection and pay the annual fees for a reinspection to verify compliance with all conditions of approval in accordance with LBMC Section 21.25.212. The applicant shall submit for the first annual review prior to the end of one year of operation to allow the Department of Development Services to evaluate the effectiveness of all the conditions including those applicable to the outdoor sound amplification. The applicant shall submit the noise complaint log along with their application.
7. The subject location shall be maintained as an art gallery, and restaurant with the full menu available at the bar and the surrounding dining area. Any changes in the operation shall be reviewed by the Director of Development Services to ensure compliance with this approval.
8. Any live entertainment will require the approval of an Entertainment Permit or an Occasional Event Permit through the Business License Division or Office of Special Events and Filming. The operating hours and conditions for live entertainment must be consistent with these Conditions of Approval. The applicant shall maintain on-site staffing and control during all on-site events, including those operated by any third party, to assure compliance with these conditions.
9. The hours of operations shall be limited to 11:00 a.m. to 10:00 pm to the public, in order to limit the noise that might carry to the abutting residential area. After one year of operating with an active alcohol license issued by the Department of Alcoholic Beverage Controls, the applicant may file a request with the Planning Bureau to extend the off-site sale operations to 11:00 pm or later subject to the satisfaction of the Director of Development Services.
10. The applicant shall be required to have continued access to the 11 on-site parking spaces on-site in the building at 1326 Obispo to serve the subject property, for the duration of the establishment and operation of the Art Gallery, Restaurant and bar during the allowable hours of operation.
11. During the hours of operation, all doors facing the residential area to the north of the site shall always remain closed to minimize noise.
12. Employees of the establishment shall walk a 100-foot radius from the facility nightly 30

minutes after closing and shall pick up and dispose of any discarded trash that may have been left by patrons of their establishment.

13. No alcoholic beverages or beverages containing alcohol shall be served in any disposable container, such as plastic or paper cups.
14. 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.
15. 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.

Alcohol-Related Conditions

16. The sale of alcoholic beverages for consumption off-site shall only be allowed as an accessory to the on-site sale and consumption as allowed by ABC license type 47.
17. 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.
18. 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.
19. 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.

20. 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.

Security Conditions

21. 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

22. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
23. Operator shall comply with the occupancy load and shall post and maintain Occupancy limit signs at all times within the restaurant.
24. The establishment shall at all times comply with the provisions of the City's Noise Ordinance as contained in Title 8 of the LBMC.
25. 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.
26. 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.
27. 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. 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.

28. 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.
29. 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.
30. Any graffiti found on site must be removed within 24 hours of its appearance.
31. 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.