

CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

6420 E. Pacific Coast Highway
Application No. 1906-06 (CUP19-013, LCDP19-020)
September 19, 2019

1. The use permitted on the subject site, in addition to the other uses permitted in the PD-1 zoning district, shall be for a master Conditional Use Permit for 32 tenant spaces of an existing building where improvements are in progress for proposed restaurants with outdoor dining along with a (Type 41 and 47 Licenses) beer, wine and distilled spirits for on-site consumption. This approval is for a Type 41 and 47 (On Sale General Eating) ABC licenses only. Any request to modify this ABC license shall require approval of the Planning Commission.
2. The primary use of the premises shall be for restaurant with outdoor dining (as defined in LBMC Section 21.15.2310) with sit-down meal service to patrons. 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. Each tenant shall maintain records of gross revenue sources which shall be submitted annually to the Department of Development Services for review. The first annual submission shall be due to the City no later than one calendar year from the issuance of the CUP and annually thereafter.
3. 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.
4. This permit and all development rights hereunder shall terminate two 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.
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).
6. The City may conduct annual reinspections pursuant to LBMC 21.25.212 and an annual re inspection fee shall be charged per tenant space review.

Operational Conditions

7. The subject location shall be maintained as restaurants with full food menu available at the bar and the surrounding dining areas.
8. There shall be no expansion of the total floor area for the 32 tenant restaurant spaces as indicated on the site liquor license plan dated February 2019.
9. There shall not be any age limitation imposed restricting access to any portion of the restaurants.

Alcohol Related Conditions

10. 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.
11. 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.
12. 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.
13. The sale of alcoholic beverages shall stop one hour prior to the close of the business and shall be subject to state law, which prohibits the sale of alcohol between 2 a.m. to 6 a.m.
14. The sale of alcoholic beverages for consumption off-premises is strictly prohibited.

15. Prior to commencement of alcohol sales, the manager or lessee of each facility shall be provided a copy of the conditions of approval and shall inform all employees of the same. A signed statement acknowledging these conditions of approval shall be submitted to the Planning Department upon filing of a business license.
16. Each of the 32 tenant spaces utilizing CUP 19-013 will be subject to revocation procedures in accordance with Title 21 of the Long Beach Municipal Code. Revocation of the CUP for one tenant shall not invalidate the CUP approval for the remaining tenants operating in good standing.
17. A copy of the conditions of approval shall be retained on premises at all times and made available upon request by the Police Department or Development Services staff.
18. Each tenant shall be given a copy of these conditions serving alcohol under this Conditional Use Permit and the conditions shall be incorporated into the lease. All tenants shall be made aware that any violations of these conditions may result in revocation of the privileges of serving alcohol beverages on the premises.

Security Conditions

19. 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, if any. 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 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.

Standard Conditions

20. The restaurants shall be established and operate in accordance with the Site Plan submitted and approved by the Planning Commission as part of the CUP application and dated September 19, 2019, as attached hereto as "Exhibit B" and incorporated herein by reference as though set forth in full. The locations of the tenants utilizing the approved alcohol license may be altered as minor approval so long as there is no net change in the total number of licenses and overall area.
21. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.

22. Operator shall comply with the occupancy load and shall post and maintain Occupancy limit signs at all times within the restaurant.
23. The establishment shall at all times comply with the provisions of the City's Noise Ordinance as contained in Title 8 of the LBMC.
24. 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.
25. The operation shall at all times be conducted in a manner not detrimental to surrounding properties 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.
26. Outdoor amplified entertainment, if permitted, shall be in conjunction with an Entertainment Permit, pursuant to Long Beach Municipal Code Chapter 5.72. A permit must be issued by the City before any person can carry on, maintain, or conduct any entertainment activity within the city boundaries.
27. 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. 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.
29. Any graffiti found on site must be removed within 24 hours of its appearance.
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 a subsequent reference page.