

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

**5716 East 2nd Street
Application No. 2106-01 (CUP21-011, LCDP21-051)
December 2, 2021**

1. 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 within a new outdoor patio located at 5716 East 2nd Street within the Neighborhood Pedestrian (CNP) Zoning District. The existing Type 47 (On-Sale General – Eating Place) Alcohol Beverage License would remain active on the subject site.
2. 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 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. The proposed project shall conform to the site plan, as shown on plans reviewed by the Planning Commission on October 21, 2021; except as modified by the conditions of approval.
5. Any expansion of the alcohol sales area shall be subject to a modification to the Conditional Use Permit.
6. All required parking for the restaurant shall be maintained in accordance with the Administrative Use Permit (Application No. 2106-01 [AUP21-026]) granted by the Zoning Administrator, or as amended.
7. 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, 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.
8. Annually, at the time of business license renewal, 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.

9. Hours of operation are allowed as follows:

Table 1: Restaurant Hours

Operating Area	Days of the Week	Hours of Operation
Restaurant	Sunday through Thursday	7am – 11 pm
	Friday and Saturday	7am – 1 am
Patio	Sunday through Thursday	7am - 9 pm
	Friday and Saturday	7am – 9 pm

10. The bar area shall remain as shown on the approved plans and shall be limited to 198 square feet. There shall be no expansion of the bar or outdoor dining area without Planning Commission approval.
11. The operable window system at the east building elevation 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.
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.
13. 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 Community Development Services Director or designee and installed prior to the certificate of occupancy
14. 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.
15. 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.
16. 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 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 citywide alcohol awareness training program condition affecting similar establishments.

17. 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.
18. 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.
19. 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.
20. Exterior lighting shall be maintained to the satisfaction of the Police Chief and the Director of Development Services.
21. The operator shall maintain 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.
22. No sales to any persons appearing to be or actually being intoxicated shall be permitted.
23. 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.
24. A numbering address shall be located at the front of the shop, to the satisfaction of the Long Beach Police Department.

25. There shall be no amplified music on the premises at any time.
26. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
27. Trash shall not be emptied into outside trash containers between the hours of 10:00 pm and 7:00 am.
28. 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.
29. 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.

Police Department Conditions

30. 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 June 13, 2021, attached to these conditions of approval and by this reference made a part hereof.

Standard Conditions:

31. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
32. The establishment shall comply with the provisions of the City's Noise Ordinance as contained in Title 8 of the LBMC.
33. 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.
34. 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.
35. Any graffiti found on site must be removed within 24 hours of its appearance.
36. The applicant shall be responsible for maintaining the premises and adjoining sidewalks free of debris and litter.

37. 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.
38. 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.
39. 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.
40. 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).
41. 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.
42. 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).
43. 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.