

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

5316 ½ East 2nd Street

Application No. 2208-04 (CUP22-026; LCDP22-046)

May 4, 2023

1. This Conditional Use Permit (CUP) approval is to allow an upgrade of an existing alcohol license from a Type 41 (beer and wine) to a Type 47 (beer, wine, and distilled spirits) at an existing restaurant with a bar which includes the legal non-conforming sale of beer and wine in the Coastal Zone at 5316 ½ East 2nd Street in the Neighborhood Pedestrian (CNP) Zoning District.
2. Within thirty (30) days from the approval of and acceptance of 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 (ABC).
3. 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.
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 three-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
5. 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.
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 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).

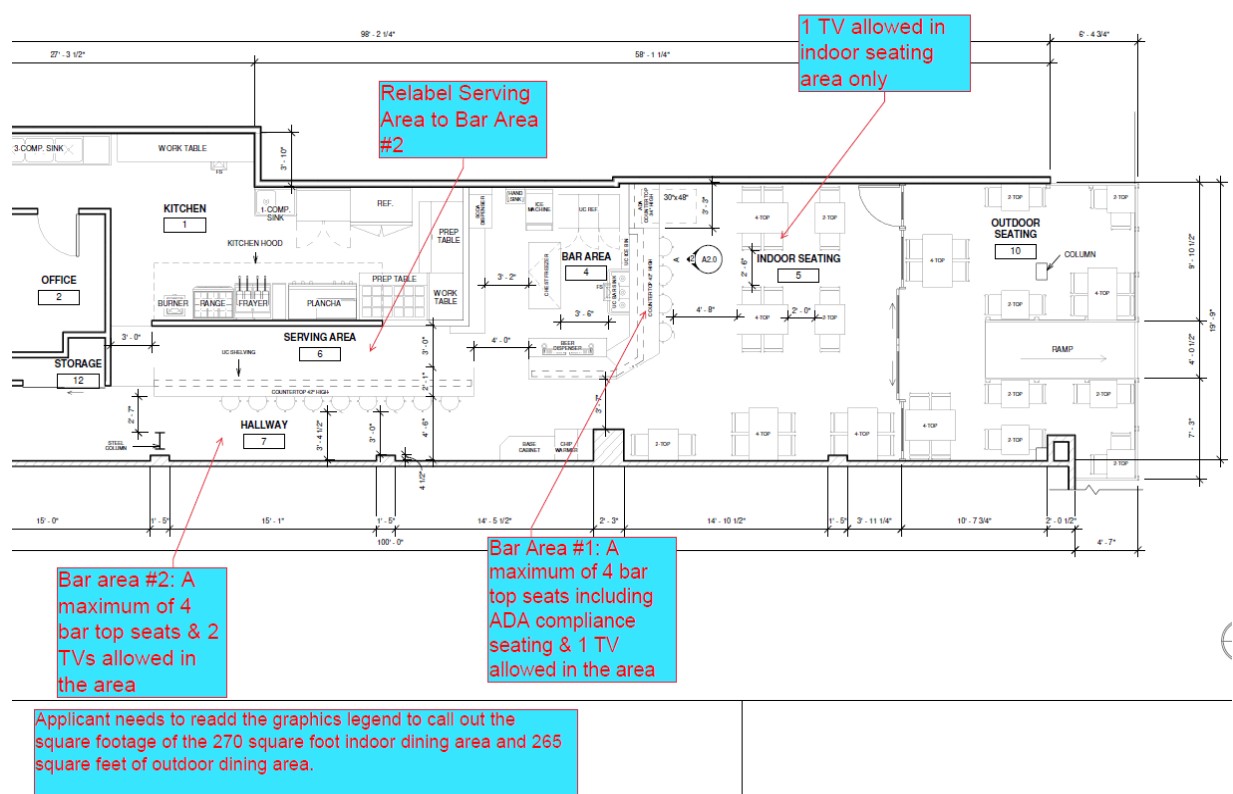
Operational Conditions:

7. The proposed project shall conform to the site plan, as shown on plans reviewed by the Planning Commission on May 4, 2023; except as modified by the conditions of approval.

8. 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.
9. 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.
10. The rear door at the alleyway shall be for emergency egress only. This door shall not be for primary or secondary access to the restaurant.
11. The subject location shall be maintained as a sit-down restaurant with a full food menu available at the bar and tabletop dining areas during all hours of operation.
12. The primary use of this establishment shall be a sit-down restaurant at all times and shall not be permitted to be converted into a bar without prior city approval of a Conditional Use Permit.
13. The applicant shall maintain the private outdoor patio area with restaurant tabletop dining adjacent to East 2nd Street to be used only as dining area with seating, and not for an assembly use.
14. There shall be no live entertainment, dancing, disc jockey and no live amplified music or stereo systems permitted on the premises at any time, unless a separate Entertainment with or without Dancing Permit is applied for and granted by The City of Long Beach. Recorded music played through a speaker system within the premises is permitted.
15. Restaurant and outdoor patio seating on private property shall remain as shown on the approved plans that consists of a total of 535 square feet. Any expansion of the indoor restaurant and outdoor patio seating shall be subject to a modification to the Conditional Use Permit.
16. The bar areas shall remain as shown on the approved plans. Bar #1 shall be limited to 40.34 square feet and bar #2 shall be limited to 91 square feet. Any expansion or reconfiguration of the bar area shall be subject to a modification to the Conditional Use Permit.
17. Any expansion of the alcohol sales area shall be subject to a modification to the Conditional Use Permit.

18. A maximum number of eight bar top seats shall be evenly distributed throughout the two bar top seating areas within the restaurant. Bar top area #1 shall have a maximum number of four bar top seats including ADA compliant seating. Bar area #2 shall be modified to accommodate a maximum number of four bar top seats. The applicant must apply for a building permit to modify the bar area within 90 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).

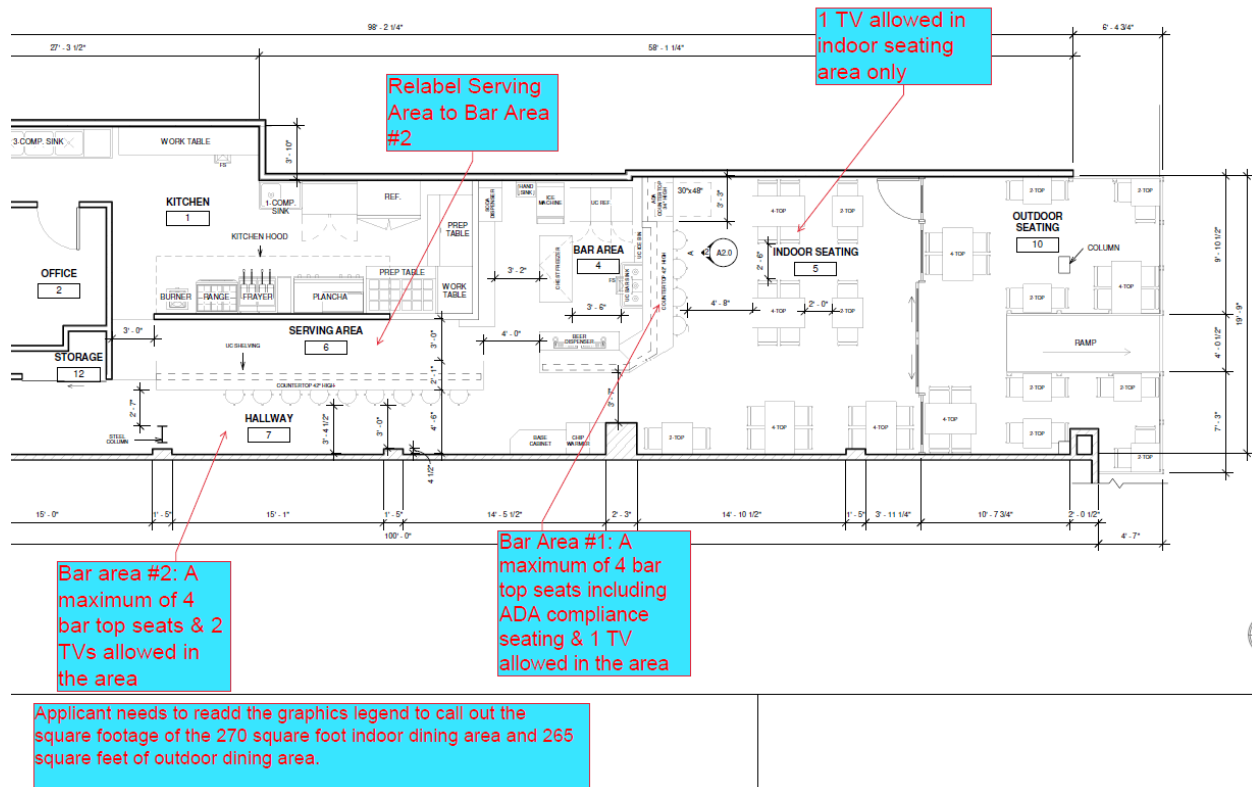
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19. There shall be no extension of seating areas into the path of circulation without a modification to the approved entitlement.
20. All tables and chairs shall remain in place as per the floor plan and shall not be removed to create standing-room only as shown on plans reviewed by the Planning Commission on May 4, 2023; except as modified by the conditions of approval.
21. There shall be no crowding or standing in the bar and hallway areas.

22. A maximum of four indoor televisions are allowed to be evenly distributed within the indoor seating of the restaurant (two televisions) and bar #2 (two televisions) only. Televisions are prohibited in the outdoor patio. A copy of the said floor plan/seating plan is attached hereto as "Attachment C" and incorporated herein by this reference as though set forth in full.

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23. Window signage is limited to ten (10) percent of each window area; the remaining window area (comprised of all windows and doors including all storefront glazing) shall remain free of signage or other obstructions. Window signs displaying prices or alcohol sales shall be prohibited.

24. There shall not be any age limitation imposed restricting access to any portion of the restaurant.

25. 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.

26. Hours of operation of the business are allowed as follows:

- Sundays through Mondays: 10:00 a.m.-10:00 p.m.
- Tuesdays: 10:00 a.m. to 10:30 p.m.
- Wednesdays through Thursdays: 10:00 a.m. to 10:00 p.m.
- Fridays through Saturdays: 10:00 a.m. to 11:00 p.m.

27. The permittee shall take reasonable measures to prohibit and prevent the loitering of persons immediately outside the establishment at all times.
28. 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
29. Noise levels emanating from the project's indoor and outdoor areas (private outdoor dining) shall not exceed applicable noise standards specified in Long Beach Municipal Code Section 8.80.15 – Exterior Noise Limits.
30. 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 Director of Development Services or designee and installed prior to the certificate of occupancy

Alcohol Related Conditions:

31. 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.
32. This approval does not allow for the offsite sale of alcoholic beverages. Any request to sell alcoholic beverages offsite shall obtain entitlements required by the Department of Development Services pursuant to the Long Beach Municipal Code at the time of application.
33. 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.

34. 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.
35. 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.
36. Full and complete meals must be offered and made available at all times the premises is exercising the privileges of its alcoholic beverage license, with the exception of the last ½ hour of operation each day.
37. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
38. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of licensee.
39. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the city on demand.
40. No sales to any persons appearing to be or actually being intoxicated shall be permitted.
41. 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.
42. 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.
43. Peace officers, as listed in Section 830.1 of the California Penal Code, and the Director and other persons employed by the Department of Alcoholic Beverage Control for the administration and enforcement of the Alcoholic Beverage Control

Act are hereby authorized to visit and inspect the proposed premises as outlined in red on the most recently certified ABC-257, at any time the undersigned is exercising the privileges authorized by the license on such premises.

Security Conditions

44. 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.
45. Exterior lighting shall be maintained to the satisfaction of the Police Chief and the Director of Development Services.
46. 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.
47. 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.

Standard Conditions:

48. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
49. 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.
50. Operator shall comply with the occupancy load and shall always post and maintain Occupancy limit signs within the restaurant.
51. The establishment shall comply with the provisions of the City's Noise Ordinance as contained in Title 8 of the LBMC.
48. 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).

49. 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.
50. 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.
51. 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.
52. 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.
53. 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.
54. The applicant shall install signage at the outdoor dining areas to enforce smoke-free dining ordinance.
55. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
56. Any graffiti found on site must be removed within 24 hours of its appearance.
57. At the discretion of City officials, a yearly inspection shall be conducted to verify that all conditions herein are being satisfied. The property owner shall reimburse the City for the inspection cost as established by the City Council.
58. Any construction shall conform to the Long Beach Building Code requirements (e.g., meet ADA requirements). Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
59. 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

60. 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.
61. 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).
62. 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 11:00pm to 7:00am daily. Trash containers shall be secured with locks.
63. All refuse collection shall take place at the alley, with all trash receptacles being moved internally within the project site to the alley for collection. Trash receptacles shall be collected and serviced with the frequency needed to avoid an unsightly and undesirable buildup of refuse at each trash receptacle.
64. 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.
65. 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.
66. 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.