

**CONDITIONAL USE PERMIT  
CONDITIONS OF APPROVAL  
2222 E. Anaheim Street  
Application No. 1810-13 (CUP18-031)  
Date: March 7, 2019**

1. The use permitted on the subject site, in addition to the other uses permitted in the CCP zoning district, shall be a bar along with a Type 48 License for on-site consumption. This approval is for a Type 48 (On Sale General Public Premises) ABC license only. Any request to modify this ABC license shall require approval of the Planning Commission.
2. 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.
3. 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 one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
4. 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**

5. The subject location shall be maintained as a bar with accessory dining area. The hours of operation for the establishment shall be from 2:00 p.m. – 12:00 midnight on Sunday through Thursday and 2:00 p.m. – 2:00 a.m. on Friday and Saturday.
6. The applicant shall be required to have continued access to the 10 on-site parking spaces serving the subject property, for the duration of the establishment and operation of the bar during the hours allowable hours of operation. The project shall be subject to the submittal of a renewed parking affidavit on an annual basis, from the date of Planning Commission approval for this project, to ensure maintenance of 10 on-site parking spaces, in accordance to the hours of operation specified in the applicant-submitted parking affidavit dated January 14, 2019.
7. The applicant shall be prohibited from the incorporation of an outdoor patio or any outdoor space attached to the established bar. All patron activity shall remain within the interior space of the established bar.

8. The operator of the restaurant shall provide security services that shall be licensed and bonded to the satisfaction of the Long Beach Police Department Chief of Police or his designee.
9. During the hours of operation, all doors of the establishment shall remain closed at all times to minimize noise.
10. There shall be no expansion of the proposed bar or dining area and no exterior tables or seating shall be allowed. The service bar shall not exceed 206 square-feet and the perimeter square footage of the dining area shall not exceed 126 square-feet (36'-0" x 3'-6"). The bar and dining area shall be maintained at the same occupancy and square footage of floor area as shown on the current plans (with the exception of the outdoor patio area) dated December 14, 2018, a copy of which plans are attached hereto as "Exhibit A", and incorporated herein by this reference as though set forth in full.
11. All tables and chairs shall remain in place as per the floor plan dated December 14, 2018, and shall not be removed to create standing-room only. A copy of said floor plan/seating plan is attached hereto as "Exhibit A", and incorporated herein by this reference as though set forth in full.
12. The applicant shall prohibit the queuing of patrons in any area outside of the doors of the establishment at all times. Any queuing of patrons should occur exclusively inside the establishment at all times.
13. Employees of the restaurant shall walk a 100-foot radius from the facility nightly 30 minutes after closing and shall pick up and dispose of any discarded beverage containers or other trash that may have been left by patrons of their establishment.
14. No alcoholic beverages or beverages containing alcohol shall be served in any disposable container, such as plastic or paper cups.
15. There shall be no cover charge or minimum drink purchase requirement.

### **Alcohol Related Conditions**

16. Liquor bottle service shall be prohibited. Wine and beer bottle service shall not be available to patrons unless full meal service is provided concurrent with the bottle service. Bottle service shall mean the service of any full bottle of liquor, wine, or beer of more than 375 ml, along with glass ware, mixers, garnishes, etc. in which patrons are able to then make their own drinks or pour their own wine or beer.
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 applicant or operator shall provide a minimum of two security guards from a licensed and bonded professional security company starting at 9:00 pm to at least 11:30 pm seven days a week and shall submit a Security Plan to the Chief of Police addressing both physical and operational security issues for the premises prior to commencing operation pursuant to the terms of the subject CUP. The applicant must receive approval of the Security Plan by the Chief of Police prior to issuance of a business license for the restaurant.
22. 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**

23. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
24. Operator shall comply with the occupancy load and shall post and maintain Occupancy limit signs at all times within the restaurant.

25. The establishment shall at all times comply with the provisions of the City's Noise Ordinance as contained in Title 8 of the LBMC.
26. The applicant shall submit an application for a review of compliance with the said conditions of approval, to be presented to and reviewed by the Planning Commission after one year of operation. Said conditions of compliance shall include the calls for service to the LBPD, which shall be evaluated periodically by the LBPD for validity, severity, and preventability. If warranted, the Planning Commission may add additional conditions.
27. The operator of the approved use shall prevent loitering along the sidewalk area during and after hours of operation. The operator shall clean the sidewalk areas of trash and debris on a daily basis.
28. 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.
29. 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.
30. 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.
31. 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.
32. Any graffiti found on site must be removed within 24 hours of its appearance.
33. 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.