

CONDITIONS OF APPROVAL
Condition of Approval (CUP19-030 & CUP19-031)
625 E. Artesia Boulevard (Unit A & B)
Application No. 1907-02
November 7, 2019

1. This approval is for two Conditional Use Permits to establish on premise alcohol sales (Alcoholic Beverage Control License – Type 47 [On-Sale General for Bona Fide Public Eating Place]) within two 1,250-square-foot restaurant tenant spaces and the outdoor patio area at the Uptown Commons shopping center located at 625 E. Artesia Blvd. Unit A & B, in the Community Automobile Oriented (CCA) Zoning District. (District 9)
2. Within thirty (30) days from the approval of and acceptance of the CUP and associated Conditions of the 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 two-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).

Operational Conditions

5. 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 in accordance with all applicable Police Department and California Department of Alcoholic Beverage Control (ABC) requirements. A copy of the approved operations plan shall always remain on-site for each business operator.
6. 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. The applicant shall provide documentation prior to issuance of a business license. A sign shall also be posted on-site with this contact

information.

7. Hours of operation are allowed as follows:
 - a. Sunday through Thursday 11:00 am to 10:00 pm
 - b. Friday and Saturday 11:00 am to Midnight
8. The interior and exterior bar areas shall remain as shown on the approved plans. There shall be no expansion of the bar area without Planning Commission approval.
9. 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 daily.
10. Noise levels emanating from the project's indoor and outdoor areas shall not exceed applicable noise standards specified in Long Beach Municipal Code Section 8.80.15 – Exterior Noise Limits.

Alcohol Related Conditions

11. 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.
12. 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.

13. 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.
14. The sale of alcoholic beverages for consumption off-premises is strictly prohibited.
15. No more than two (2) alcoholic beverages shall be sold or served to any one (1) person during any transaction.
16. The permittee shall develop and maintain a plan to address neighborhood concerns, related to the operation of the business.
17. Alcoholic beverages shall be served in containers which significantly differ in the appearance from those containers utilized for non- alcoholic beverages. Containers for beer shall not exceed 16 ounces. This condition does not preclude the service of alcoholic beverages in their original containers.
18. The petitioner shall post and maintain a professional quality signs measuring 12 inches by 12 inches with lettering no smaller than 2 inches in height that read, "No Alcoholic Beverages Beyond This Point" at all premises exits.

Security Conditions

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. To ensure the consumption of alcohol will remain within the proposed designated areas and to prevent any underage drinking that may potentially arise within a semi-public common outdoor area, the following security measures shall be incorporated:

- a. A physical security barrier shall be provided during the hours of operation for each business to provide adequate Alcohol Control Zones measures for each entry/exit point leading in/out of the outdoor patio area subject to the satisfaction of the California Department of Alcoholic Beverage Control; or
- b. A security guard or employee shall be provided to align with the hours of operation of the businesses serving alcohol to the satisfaction of the California Department of Alcoholic Beverage Control to monitor the entry/exit points leading in/out of the outdoor patio area.

Standard Conditions

- 23. The establishment shall comply with the provisions of the City's Noise Ordinance as contained in Title 8 of the LBMC.
- 24. 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.
- 25. 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.
- 26. 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.
- 27. 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.
- 28. Any graffiti found on site must be removed within 24 hours of its appearance.
- 29. All conditions of approval must be printed verbatim on all plans submitted for review to the Department of Development Services.

30. 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.