

## RESOLUTION NO. 2024-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2023-05, THEREBY REPLACING CONDITIONAL USE PERMIT NO. 2008-08, AS CONDITIONED TO ALLOW THE ON-PREMISE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES (TYPE 47 – BEER, WINE, AND DISTILLED SPIRITS) AT LAS BRISAS RESTAURANT LOCATED AT 719 E. FIRST STREET, UNIT A.

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA ANA AS FOLLOWS:

**Section 1.** The Planning Commission of the City of Santa Ana hereby finds, determines, and declares as follows:

- A. Rudy Lopez & Raul Cueva Jr, representing Las Brisas Restaurant, on behalf of Liquor License Agents (Applicant), is requesting approval of Conditional Use Permit (CUP) No. 2023-05 to allow the sale of alcoholic beverages for on-premise consumption (Type 47- Beer, Wine, and Distilled Spirits) at an existing eating establishment located at 719 East First Street, Suite A.
- B. Santa Ana Municipal Code (SAMC) Section 41-196 requires approval of a CUP for establishments wishing to sell alcoholic beverages for on-premise consumption.
- C. The eating establishment will meet all required standards specified by Section 41-196 of the SAMC and the State Department of Alcoholic Beverage Control (ABC) for the sale of alcoholic beverages for on-premises consumption by containing a full kitchen and a menu of hot and cold food items for purchase.
- D. On June 9, 2008, the City of Santa Ana Planning Commission held a public hearing for the proposal of an on-premise sale of alcoholic beverages. The Planning Commission unanimously approved CUP No. 2008-8 to allow a Type 41 (Beer and Wine) Alcoholic Beverage Control (ABC) license.
- E. On June 10, 2024, the Planning Commission held a duly-noticed public hearing on CUP No. 2023-05.
- F. The Planning Commission determines that the following findings, which must be established in order to grant a CUP pursuant to SAMC Section 41-638, have been established for CUP No. 2023-05 to allow the on-premise sale and consumption of alcoholic beverages at an existing eating establishment located at 719 E. First Street, Unit A.

1. That the proposed use will provide a service or facility which will contribute to the general wellbeing of the neighborhood or community.

The restaurant is seeking to expand its current operations by proposing to sell distilled spirits in addition to beer and wine, through a Type 47 Alcoholic Beverage Control (ABC) license upgrade. The addition of distilled spirits for on-premise consumption at this location will provide an ancillary service to the eating establishment's customers by allowing them to purchase a variety of alcoholic beverages with their meal. This will thereby benefit the community by providing an eating establishment with an additional and complementary food related amenity. Operational standards applicable to the ABC license and conditions of approval will mitigate any potential impacts created by the use and will ensure that the use will not negatively affect the surrounding community.

2. That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The proposed sale of alcoholic beverages for on-premise consumption at this location will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity because the operational standards applicable to the alcoholic beverage control license and conditions of approval will address any potential negative or adverse impacts created by the use. The site is located adjacent to single-family residences within the Lacy Neighborhood, and located across the street from the Pacific Park Neighborhood along First Street. The site is located approximately 245 linear feet to the north from the nearest establishment selling off-sale alcoholic beverages (Hickory Liquour Inc.), 750 linear feet to the east from the nearest private charter school (Edward B. Cole Academy), and 900 linear feet to the south from the nearest public school (Garfield Elementary). Las Brisas Restaurant is an established bona-fide restaurant which already contains a Type 41 ABC license since 2008. The upgrade to a Type 47 license will still be an ancillary use to the main restaurant use.

Additionally, several conditions of approval have been included to mitigate potential detrimental effects from the approval of an upgrade to a Type 47 license. These include limiting alcohol serving hours from 8:00 a.m. to 10:00 p.m., Monday through Wednesday, and 8:00 a.m. to 12:00 a.m. Thursday through Sunday. Any future modification of alcohol servicing hours shall take into consideration any Code Enforcement violations at the time of the request and require Police Department review of the site for service calls/reports. Moreover, modification of alcohol servicing hours outside of the current proposed hours, and until

12:00 a.m., shall be subject to administrative review of the Planning Manager and/or their designee. This review shall not apply towards the regular operation of food service. Should the applicant request to expand food operational or alcohol serving hours beyond 12:00 a.m., a separate CUP shall be required.

Additional conditions shall require that all alcohol sales be served and consumed indoors within the eating establishment, and that all alcoholic beverages be dispensed and consumed onsite in separate containers provided by the business operator. No consumption of alcohol shall be permitted outside the dining area of the eating establishment. Moreover, to ensure that the approval of the applicant's request for an ABC license upgrade will not be detrimental to the local community, staff has recommended a condition of approval requiring the Planning Division to review the CUP after a six-month review period, to review of the effects of the ABC license upgrade. During this period, the applicant's operations may not demonstrate a consistent increase in the number of service calls and/or police reports.

Lastly, the Applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses. There are no reported incidences of violent crimes, as indicated in the Police Department Analysis on the staff report. All of the operational standards identified in SAMC Section 41-196 will apply to this establishment. Therefore, the granting of the CUP will not negatively impact any sensitive land uses that may be nearby.

3. That the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

The proposed CUP modification will not adversely affect the economic stability of the area, but will instead allow the eating establishment to compete with other nearby eating establishments that offer a full selection of alcoholic beverages for sale to their customers. The alcohol license for on-premise sale and consumption will benefit the surrounding area, as the reinvestment on the commercial site will increase economic activity during additional business hours. Moreover, including the sale of distilled spirits will allow the eating establishment to remain economically viable and competitive, thereby contributing to the overall success of the City.

4. That the proposed use will comply with the regulations and conditions specified in Chapter 41 for such use.

The proposed conditional use permit will be in compliance with all applicable regulations and operational standards imposed on an eating establishment selling alcoholic beverages for on-premise consumption pursuant to Chapter 41 of the SAMC. The facility will be maintained as a bona-fide eating establishment, having suitable kitchen facilities and supplying an assortment of foods. Additionally, the eating establishment will utilize less than five percent (5%) of the gross floor area for display and storage of alcoholic beverages, which is the maximum threshold established by the SAMC. Two conditions have been included to address non-compliance with landscaping and sign standards. These conditions include: (1) The applicant shall remove window signage to no more than 25% of the window area and remove window tinting on the building; and (2) Install and maintain landscaping along the western plant buffer to the satisfaction of the Planning Division. The operational standards will ensure the project remains in compliance with all applicable codes and regulations related to alcohol sales to ensure that the use does not impact neighboring properties or create an attractive nuisance.

5. That the proposed use will not adversely affect the General Plan of the city or any specific plan applicable to the area of the proposed use.

Approval of this application will be consistent with several goals and policies of the General Plan, specifically Goals 2, 3, 4. The project is located in the Urban Neighborhood – Medium (UN-40) General Plan land use designation, which allows for the development of semi urban villages that are well connected to schools, parks, and shopping centers. These areas are accessible by multiple modes of transportation, have lively and pedestrian-friendly streetscapes, and are designed to foster community interaction. Goal 2 of the Land Use Element (LU) encourages a balance of land uses that meet Santa Ana’s diverse needs. Approval of upgrade to Type 47 ABC license is consistent with Policy 2.2 of the LU as it encourages a range of commercial uses to capture a greater share of local spending and offer a range of employment opportunities. Policy 2.7 of the LU supports land use decisions that encourage the creation, development, and retention of business in Santa Ana, in which Las Brisas Restaurant proposes to achieve with a Type 47 ABC license. The inclusion of a property maintenance agreement, addition of conditions of approval, and ongoing efforts to upgrade the site as indicated on the staff report have proven consistent with the following goals and policies of the LU. Goal 3 of the LU encourages the preservation and improvement of the character and integrity of the existing neighborhoods and districts. Policy 3.7 of the LU supports the promotion of a clean, safe, and creative environment for Santa Ana’s residents, workers, and visitors. Goal 4 supports a sustainable Santa Ana through improvements to the built

environment. Lastly, Policy 4.1 of the LU encourages the promotion of complete neighborhoods by encouraging a mix of complementary uses, community services, and people places within a walkable area. The granting of the CUP will provide an additional service to Santa Ana residents and visitors, thereby positively contributing to the economic viability of the area by promoting local spending, offering employment opportunities, and providing a safe workplace. In addition, the eating establishment is located within an existing commercial area and its operations will be compatible with the surrounding commercial businesses.

**Section 2.** In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15301 (Class 1 – Existing Facilities). Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The project proposes to allow the operation of an alcoholic beverage control license to sell alcoholic beverages at an existing bona-fide eating establishment, with negligible or no expansion of the existing use proposed. As such, a Notice of Exemption, Environmental Review No. 2023-14, will be filed for this project.

**Section 3.** The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, referendum, and other proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively “Actions”), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve the legal counsel providing the City’s defense, and that Applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any Action brought and City shall cooperate with Applicant in the defense of the Action.

**Section 4.** The Planning Commission of the City of Santa Ana, after conducting the public hearing, hereby approves Conditional Use Permit No. 2023-05, as conditioned in Exhibit A, and in Exhibit B, *Operational Standards for On-sale Establishments*, attached hereto and incorporated herein, for the project located at 719 E. First Street, Unit A. Conditional Use Permit No. 2023-05 will replace Conditional Use Permit No. 2008-08. This decision is based upon the evidence submitted at the above-referenced hearing, including but not limited to: The Request for Planning Commission Action dated June 10, 2024, and exhibits attached thereto; and the public testimony, written and oral, all of which are

incorporated herein by this reference.

ADOPTED this 10th day of June 2024 by the following vote.

AYES: Commissioners: Carl Benninger, Manuel J. Escamilla, Chris Leo, Bao Pham, Alan Woo (5)

NOES: Commissioners:

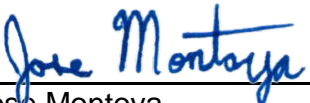
ABSENT: Commissioners: Jennifer Oliva, Isuri Ramos (2)

ABSTENTIONS: Commissioners:



Bao Pham  
Chairperson

APPROVED AS TO FORM:  
Sonia R. Carvalho, City Attorney

By:   
Jose Montoya  
Assistant City Attorney

**CERTIFICATE OF ATTESTATION AND ORIGINALITY**

I, Nuvia Ocampo, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2024-08 to be the original resolution adopted by the Planning Commission of the City of Santa Ana on June 10, 2024.

Date: 8/8/2024

*Nuvia Ocampo*

\_\_\_\_\_  
Nuvia Ocampo  
Recording Secretary  
City of Santa Ana

## EXHIBIT A

### **Conditions of Approval for Conditional Use Permit No. 2023-05**

Conditional Use Permit No. 2023-05 allowing the on-premise consumption of alcoholic beverages is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Building Standards Code, and all other applicable regulations:

The Applicant/Licensee (hereinafter, "Applicant") shall comply with each and every condition listed below in order to exercise the rights conferred by this conditional use permit.

The Applicant shall remain in compliance with all conditions listed below throughout the life of the conditional use permit. Failure to comply with each and every condition may result in the revocation of the conditional use permit.

1. Any amendment to this conditional use permit must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the conditional use permit must be amended.
2. Prior to the issuance of a Type-47 ABC license, the applicant shall remove window signage to no more than 25-percent of the window area and remove window tinting on the building, pursuant to all applicable Santa Ana Municipal Code (SAMC) requirements.
3. Prior to the issuance of a Type-47 ABC License, the Applicant shall install and maintain landscaping in the landscape planter along the western property line to the satisfaction of the Planning Division.
4. The sale, service, and consumption of alcoholic beverages shall be limited from 8:00 a.m. to 10:00 p.m. Monday through Wednesday, 8:00 a.m. to 12:00 a.m. Thursday through Sunday. Any modification of alcohol servicing hours shall take into consideration any Code Enforcement violations at the time of the request and require Police Department review of the site for service calls/reports. Modification of alcohol servicing hours outside of the proposed hours until 12:00 a.m., shall be subject to administrative review of the Planning Manager and/or their designee. Staff notes that this does not apply towards the regular operation of food service.
5. Operating hours after 12:00 a.m. will require the approval of separate conditional use permit application for after-hours operations pursuant to SAMC Section 41-196(g)(3).
6. All alcohol sales shall be served and consumed indoors within the eating establishment, and alcoholic beverages must be dispensed and consumed onsite in separate containers provided by the business operator. No consumption of alcohol is permitted outside the dining area of the eating establishment. Signage shall be posted on the premises enforcing these limitations.
7. The business shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the California Department of Alcoholic Beverage Control, California Business and Profession Code Sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to



applicable laws, regulations or orders. This includes compliance with the City's business license annual renewal.

8. The premises shall not be exclusively used for private parties, including promotional events, in which the public is excluded.
9. The Applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
10. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's contact information shall be posted in a conspicuous location at the restaurant's front entry. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control.
11. Kitchen food service shall be provided during all business-operating hours.
12. Violations of the Conditional Use Permit as contained in Section 41-647.5 of the Santa Ana Municipal Code will be grounds for permit suspension and/or revocation as described in Section 41-651 of the Santa Ana Municipal Code.
13. The Applicant shall maintain the site as necessary, including but not limited to: the repair and upkeep of the property; cleanup of trash and debris; repair and upkeep of any damaged and/or weathered components of the building; repair and upkeep of exterior paint; parking striping, lighting and irrigation fixtures; landscaping and related landscape, furnishing, and hardscape improvements.
14. Within six (6) months of the issuance of an ABC Type 47 License, the Applicant's operations may not demonstrate a consistent increase in the number of service calls and/or police reports. Such increase in police activity shall trigger a second review of the CUP application by the Planning Division. Additionally, all Code Enforcement violations must be resolved and closed.
15. Within 90 days of adoption of this resolution, a Property Maintenance Agreement shall be recorded against the property. The agreement will be subject to review and applicability by the Planning and Building Agency, the Community Development Agency, the Public Works Agency, and the City Attorney to ensure that the property and all improvements located thereupon are properly maintained. Applicant (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Applicant) shall execute a maintenance agreement with the City of Santa Ana which shall be recorded against the property and which shall be in a form reasonably satisfactory to the City Attorney. The maintenance agreement shall contain covenants, conditions and restrictions relating to the following:

- a) Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control and noise mitigation measure; adherence to approved project phasing etc.);
- b) Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and debris, enforcement of the parking management plan, and/or restrictions on certain uses);
- c) Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;
- d) Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris on or about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);
- e) If Applicant and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the maintenance agreement and both shall be jointly and severally liable for compliance with its terms;
- f) The maintenance agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the maintenance agreement;
- g) The maintenance agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become alien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City; and
- h) The execution and recordation of the maintenance agreement shall be a condition precedent to the issuance of the ABC license.

## EXHIBIT B

### **Operational Standards for Conditional Use Permit No. 2023-05**

Conditional Use Permit No. 2023-05 allowing the on-premise consumption of alcoholic beverages is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Building Standards Code, and all other applicable regulations:

The Applicant/ Licensee (hereinafter, "Applicant") shall comply with each and every operational standard listed below, pursuant to SAMC Section 41-196(g), in order to exercise the rights conferred by this conditional use permit. Pursuant to SAMC Section 41-196(g), these SAMC operational standards are reprinted to establish compliance with SAMC requirements for the granting of a Conditional Use Permit for on-premises alcoholic beverage sales.

The Applicant must remain in compliance with all operational standards listed below throughout the life of the conditional use permit. Failure to comply with each and every operational standard may result in the revocation of the conditional use permit.

1. The premises shall at all times be maintained as a bona-fide eating establishment as defined in Section 23038 of the California Business and Professions Code and shall provide a menu containing an assortment of foods normally offered. The premises must have suitable kitchen facilities and supply an assortment of foods commonly ordered at various hours of the day. Full and complete meals must be served whenever the privileges of the on-sale license are being exercised.
2. There shall be no fixed bar or lounge area upon the premises maintained for the sole purpose of sales, service or consumption of alcoholic beverages directly to patrons. A fixed bar or lounge may be permitted if patrons may order food being offered to the general patrons of the eating establishment.
3. The sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 7:00 a.m. and 12:00 a.m. unless otherwise amended by the granting of a conditional use permit for after-hours operations pursuant to Santa Ana Municipal Code Chapter 41.
4. It shall be the Applicant's responsibility to ensure that no alcoholic beverages are consumed on any property adjacent to the licensed premises under the control of the Applicant, with the exception of any enclosed patio areas.
5. The Applicant or an employee of the licensee must be present to monitor all areas of the establishment, including outdoor patios, during all times that alcoholic beverages are being served or consumed.
6. All employees serving alcoholic beverages must complete responsible beverage service training, or an equivalent approved by the State Department of Alcoholic Beverage Control, prior to being able to serve alcoholic beverages to patrons. Evidence of the completion of such training must be maintained on the premises and available for inspection upon request by the city.

7. During those times when patrons are restricted to twenty-one (21) years of age or older, the Applicant shall at all times utilize an age verification means or device for all purchases of alcoholic beverages. Such verification of age is not intended to discriminate against patrons based on race, ethnicity or legal status, but only to comply with state law restricting the sale of alcohol to those twenty-one (21) and older.
8. Queuing lines shall be managed in an orderly manner and all disruptive and/or intoxicated patrons shall be denied entry. The business owner, or his designee, shall be responsible for monitoring the queuing lines at all times.
9. The outdoor queuing line shall not block public walkways or obstruct the entry or exit doors of adjacent businesses. Stanchions or barriers must be used to maintain order at all times the queue exceeds twenty-five (25) patrons. All stanchions or barriers located on public property must be approved by the public works agency.
10. Employees and contract security personnel shall not consume any alcoholic beverages during their work shift, except for product sampling for purposes of employee education about new products. Under no circumstances may contract security personnel consume alcoholic beverages during their work shift.
11. There shall be no exterior advertising of any kind or type, including window signs or other signs visible from outside, that promote or indicate the availability of alcoholic beverages on the premises. Interior displays of alcoholic beverages or signs, which are clearly visible to the exterior, shall constitute a violation of this condition. Permissible window displays must be kept to a minimum for maximum visibility and shall not exceed twenty-five (25) per cent of window coverage. Floor displays shall not exceed three (3) feet in height.
12. There shall be no promotions encouraging intoxication or drinking contests or advertisements indicating "buy one (1) drink, get one (1) free", "two (2) for the price of one (1)", or "all you can drink for..." or similar language.
13. Any pool tables, amusement machines or video games maintained on the premises at any time must be reviewed and approved in a security plan submitted to the chief of police.
14. Live entertainment, including, but not limited to, amplified music, karaoke, performers and dancing, shall be subject to the issuance of an entertainment permit pursuant to Santa Ana Municipal Code ("SAMC") Chapter 11 — Entertainment, and shall comply with all of the standards contained therein. Notwithstanding this requirement, music/noise shall not be audible beyond twenty (20) feet from the exterior of the premises in any direction.
15. Neither the Applicant, nor any person or entity operating the premises with the permission of the Applicant, shall violate the City's adult entertainment ordinance contained in SAMC Section 12-1 and 12-2.
16. The premises shall not be operated as an adult entertainment business as such term is defined in SAMC Section 41-1701.6.

17. The Applicant(s) shall be responsible for maintaining free of litter the area adjacent to the premises under the control of the licensee.
18. There shall be no public telephones located on the exterior of the premises. All interior pay phones must be designed to allow outgoing calls only.
19. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted within twenty-four (24) hours of being applied.
20. Existing bona fide eating establishment and required parking must conform to the provisions of Chapter 8, Article II, Division 3 of the Santa Ana Municipal Code (Building Security Ordinance). These code conditions will require that the existing project lighting, door/window locking devices and addressing be upgraded to current code standards. Lighting standards cannot be located in required landscape planters. Prior to issuance of letter of approval to the Alcohol Beverage Control Board, this condition must be complied with.
21. A timed-access cash controller or drop safe must be installed.
22. Install a silent armed robbery alarm.
23. The owner or manager of the licensed premises shall maintain on the premises a written security policy and procedures manual, that has been approved by the police department, addressing at a minimum the following items:
  - a) Procedures for handling obviously intoxicated persons.
  - b) The method for establishing a reasonable ratio of employees to patrons, based upon activity level, in order to ensure adequate staffing levels to monitor beverage sales and patron behavior.
  - c) Procedures for handling patrons involved in fighting, arguing or loitering about the building, and/or in the immediate adjacent area that is owned, leased, rented or used under agreement by the licensee(s).
  - d) Procedures for verifying the age of patrons for purposes of alcohol sales.(e)
  - e) Procedures for ensuring that servers monitor patrons to ensure that their drinking limit/potential intoxication is not exceeded. This procedure should include a description of the procedure the server would use to warn, or refuse to serve, the patron.
  - f) Procedures for calling the police regarding observed or reported criminal activity.
  - g) Procedures for management of queuing lines.
  - h) The location and description of any video games proposed to be on the premises.

24. The operator shall be responsible for submitting a detailed outdoor fencing and dining plan where outdoor dining is proposed as part of the business operation. If the proposed dining area or fencing is in the public right-of-way, the Applicant must obtain all required permits and approvals from the Public Works Agency.
25. Combined alcohol storage and display areas shall not exceed five (5) percent of the gross floor area of the licensed establishment.