

BEFORE THE
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
OF THE STATE OF CALIFORNIA

In the Matter of the Application of:

22 PIER LLC
Dragon Bar
22 Pier Ave
Hermosa Beach, CA 90254

File: 47-397636

PETITION FOR
CONDITIONAL
LICENSE

For issuance of an On-Sale General Eating Place License

Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare or morals;

WHEREAS, pursuant to Section 23958 of the Business and Professions Code, the Department may deny an application for a license where issuance would result in or add to an undue concentration of licenses; and,

WHEREAS, the proposed premises are located in Census Tract 6211.01 where there presently exists an undue concentration of licenses as defined by Section 23958.4 of the Business and Professions Code; and,

WHEREAS, the petitioner(s) stipulate(s) that by reason of the aforementioned over concentration of licenses, grounds exist for denial of the applied-for license(s); and,

WHEREAS, petitioner(s) desires to sell, serve and permit patron(s) to consume alcoholic beverages on an exterior patio; and,

WHEREAS, the Department has expressed concerns of the petitioner(s) ability to control the activity of patron(s) in said patio; and,

WHEREAS, the Department has expressed concerns that the petitioner will not operate as a bona fide eating place on said patio; and,

WHEREAS, the petitioner wishes to mitigate the aforementioned concerns of the Department; and,

NOW THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:

1. Sales, service or consumption of alcoholic beverages shall be permitted only between the hours of 11:00 AM and 2:00 AM each day of the week.
2. The premises shall be maintained as a bona fide American food restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurants.

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3. 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 over within 48 hours of being applied.
4. At all times when the premises are open for business, the sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage.
5. 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 sale 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 Department on demand.
6. There will be no dancing allowed on the premises.
7. Entertainment provided shall not be audible beyond the area under the control of the licensee(s) as defined on the ABC-257 dated 2/7/03 and ABC-253 dated 2/7/03.
8. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
9. The subject alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.
10. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, as depicted on the ABC-257 dated 2/7/03 and ABC-253 dated 2/7/03.
11. There shall be no exterior advertising or sign of any kind or type, including advertising direct to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
12. Whenever the petitioner(s) is exercising licensed privileges on the patio, alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage on said patio.
13. On the exterior patio, the petitioner(s) shall serve full and complete meals in compliance with Section 23038 of the Business and Professions Code until 10:00 PM, each day of the week.
14. The licensee(s) or an employee of the licensee(s) will be present in this patio, at all times that alcoholic beverage are being served or consumed on said patio.
15. On the exterior patio, the petitioner shall only serve alcoholic beverages to patrons who are seated at a dining table.
16. The boundaries of this patio will be clearly defined and designated by physical barriers to separate it from the public sidewalk and adjacent private property which is not under the exclusive control of the licensee(s). These barriers and boundaries, as approved and designated on ABC-257, shall not be changed without prior approval of the Department of Alcoholic Beverage Control.

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