

Attachment "B"

Conditions	COA #	CUP	Notes
General Conditions			
CUP developed consistent with the comments and conditions of the SPR No. , incorporated herein by reference	1, 1	Longshot, Sebby's, Rookies	
That the site be developed and maintained in substantial conformance with the site plan (Exhibit X), floor plan (Exhibit X) and operational statement (Exhibit X); (notwithstanding any required conditions below and/or imposed by State Dept of ABC). Any changes to their operation are subject to review by the City Planner, and may subsequently be required to be reviewed by the Planning Commission.	2, 2, 1	Longshot, Sebby's, Rookies	
That the land use shall maintain operation primarily as a microbrewery or taproom as defined in VMC 17.63.030. This operation allows for the service of brewed beverages with or without the service of food. The land use shall not operate primarily as a nightclub or live entertainment venue.	3	Longshot	
The project shall be required to comply with the Standard Operating Conditions found in Visalia Municipal Code Section 17.63.040.	4	Longshot	
Patrons shall use only the main entrance doors (Main St) of the business to enter and exit the business except in the event of an emergency.	5, 11, 12	Longshot, Sebby's, Rookies	
There shall be no exterior advertising of any kind promoting or indicating the availability of alcoholic beverages within the business. This does not include advertising placed within the business directed to the outside.	6, 17, 13	Longshot, Sebby's, Rookies	
No pool or billiard table shall be maintained upon the premises. Any request to incorporate pool or billard tables shall require an amendment to this conditional use permit.	7	Longshot	
No video/arcade games, pool or billiard table shall be maintained upon the premises. Any request to incorporate video/arcade, pool or billard tables shall require an amendment to this conditional use permit.	18, 14	Sebby's, Rookies	
Public sidewalks shall be kept clear for pedestrian use. Patrons waiting to enter the business shall be formed in a single orderly line outside of the front door of the business. Public sidewalks directly adjacent to the site shall be montioered to prevent loitering, noise, littering and related issues during and after any activities.	8	Longshot	
The maximum occupany limit will be established by the Visalia Building Department and Fire Marshal shall be posted an not exceeded.	9, 14, 8	Longshot, Sebby's, Rookies	
Inspections by City representatives, including the City's Building Official, Fire Marshal, Police Officers, Firefighters and Code Enforcement Officers, on the premises may be conducted at any time during business hours to validate conformance with the conditions of approval.	10, 15, 10	Longshot, Sebby's, Rookies	
The City Planner may initiate a Conditional Use Permit revocation hearing pursuant to Visalia Municipal Code Section No. 17.38.040, based on documented evidence of failure to comply with any conditions of: a. Failure to comply with or enforce the conditions of CUP No. 2025-30. b. All Conditions and Requirements of the California Department of Alcoholic Beverage Control license issued to this business. c. Al applicable federal, state and city laws, codes and ordinances. d. If the busines sis declared a Public Nuisance pursuant to Chapter 8.40 "Nuisances" of the Visalia Municipal Code.	11, 19, 15	Longshot, Sebby's, Rookies	
Any subsequent owner(s)/operator(s) of the establishment who chose to utilize this conditional use permit for live entertainment shall provide a signed and notarized letter to the Planning and Community Preservation Department Director acknowledging their acceptance and agreement to comply and meet all conditions of approval for Conditional Use Permit No. 2025-30.	12	Longshot	
All applicable federal, state and city laws, codes and ordinances be met, including all necessary licenses and conditions from the California Department of Alcoholic Beverage Control.	13, 23, 19	Longshot, Sebby's, Rookies	
That subsequent owners/operators of the restaurant facility who choose to utilize this CUP for entertainment and dancing shall (provide a signed and notarized) sign a letter (to the Planning and Community Preservation Department Director acknoledging their) acceptance and agreement to all the conditions of CUP No. XXXX-XX.	22, 17	Sebby's, Rookies	
All of the conditions and responsibilities of this amended conditional use permit (CUP No. 2011-18) shall run with the land. The property owner and business operator shall keep on-site at all times a copy of the approved resolution and conditions and shall provide a copy of this resolution and conditions of approval to any and all subsequent owners/operators who shall also be subject to all of the conditions herein, unless amended or revoked.	9	Rookies	
That the establishment be maintained as a bona fide restaurant. At all times during normal meal hours the site shall act as a bona fide restaurant with a full menu offering complete meals.	7	Sebby's	
Live Entertainment Conditions			
Live entertainment shall only be permitted on Thursday, Friday, and Saturday and only during the hours of 7:00 p.m. to 10:00 p.m. Live entertainment shall be restricted only to comedy shows, karaoke, and live amplified musical acts as defined in Visalia Municipal Code section 17.04.030. Live musical acts are defined for the purposes of this conditional use permit as a vocal or instrumental performance by a natural person(s) who is physically present in the establishment while delivering the performance and while this definition shall include karaoke performances involving the live singing of songs over prerecorded backing music, it specifically excludes disc jockeys. For purposes of this Conditional Use Permit, a disc jockey shall be defined as a person(s) whose performance consists of selecting or manipulating prerecorded music on equipment, and a disc jockey shall not be considered a live musical act. Disc jockeys are hereby expressly prohibited from performing within this establishment. Karaoke performances are an exception to the prohibition on disc jockeys to the extent these two defined terms might be considered overlapping. Any form of dancing by patrons and guests at this restaurant establishment is permitted during live entertainment. This condition does not prohibit unamplified musical accompaniment in the micro-brewery by no more than two (2) performers, including patrons, without dancing. In addition, ambient music, whether amplified or not amplified, that is recorded or being played from a radio, jukebox, or similar device that is not audible to a reasonable person within twenty feet from any portion of the exterior of the building that is intended to provide ambience and not to entertain shall also be allowed, this includes playing prerecorded music during karaoke performances or in between persons singing during a karaoke performance. Any subsequent change to the nature of live entertainment shall require an amendment to the Conditional Use Permit.	14	Longshot	
There shall not be more than one amplified live entertainment act occurring simultaneously on the premises.	15, 6	Longshot, Sebby's	
There shall be no adult entertainment as defined in Visalia Municipal Code Chapter 17.62, including no lingerie/bathing suit shows.	17, 8, 6	Longshot, Sebby's, Rookies	
During live entertainment, the operator shall regularly maintain the area under their control in an effort to prevent loitering of persons about the premises. No alcoholic beverages shall be consumed on any public areas adjacent to the licensed premises under the control of the licensee.	18, 9	Longshot, Sebby's	

Attachment "B"

During live entertainment, the operator shall be responsible for maintaining the premises and public areas immediately in front of and adjacent to the site free of litter.	19	Longshot	
During live entertainment, patrons waiting to enter the business during days and hours live entertainment is permitted shall be required to form one single orderly line outside of the front door of the business for any patron(s) waiting to enter and/or for any patron(s) that exited the building and are seeking re-entry, and shall keep the public sidewalk area directly in front of the business open and clear for public pedestrian use. This standing waiting area shall be defined by use of a portable non-permanent rope or metal railing fence style system that creates a separation between the area patrons waiting in line and the public use area of the sidewalk. The sidewalk shall have a minimum of four-foot clearance for unimpeded pedestrian traffic use. The uniformed licensed security personnel shall require patrons to remain in line and shall regularly maintain the area under their control free of alcohol, monitored to prevent patron loitering, and litter during and after live entertainment activities cease.	20, 10, 7	Longshot, Sebby's, Rookies	
Live entertainment shall only be permitted three nights per week and only during the hours of 9:00 p.m. to 2:00 a.m..	3	Sebby's	
Building Permit Requirements (i.e. sprinklers) prior to live entertainment.	4	Sebby's	
Live entertainment shall not be allowed any time before 9:00pm.	5, 3	Sebby's, Rookies	
That the establishment be maintained as a bona fide restaurant. At all times during normal meal hours the site shall act as a bona fide restaurant with a full menu offering complete meals. During times of live entertainment food service shall be provided until 2:00 a.m.	7	Sebby's	
Underage patrons (under 21 years of age) shall not remain upon the establishment premises after 9:00pm during the times live entertainment is offered within the premises.	12, 4	Sebby's, Rookies	
Live entertainment shall only be permitted on Thursday, Friday, and Saturday and only during the hours of 9:00 p.m. to 12:00 a.m. Live entertainment shall be restricted only to live musical acts and not as defined in Visalia Municipal Code section 17.04.030. Live musical acts are defined for the purposes of this conditional use permit as a vocal or instrumental performance by a natural person(s) who is physically present in the establishment while delivering the performance and while this definition shall include karaoke performances involving the live singing of songs over prerecorded backing music, it specifically excludes disc jockeys. For purposes of this Conditional Use Permit, a disc jockey, shall be defined as a person(s) whose performance consists of selecting or manipulating prerecorded music on equipment, and a disc jockey shall not be considered a live musical act. Disc jockeys are hereby expressly prohibited from performing within this establishment. Any form of dancing by patrons and guests at this restaurant establishment is permitted during live entertainment. This condition does not prohibit, unamplified musical accompaniment to dining, in a restaurant by no more than two (2) performers, including patrons, without dancing. In addition, ambient music, whether amplified or not amplified, that is recorded or being played from a radio, jukebox, or similar device that is not audible to a reasonable person within twenty feet from any portion of the exterior of the building that is intended to provide ambience and not to entertain shall also be allowed. Any subsequent change to the nature of live entertainment shall require an amendment to the Conditional Use Permit.	2	Rookies	
That the establishment be maintained as a bona fide restaurant. The bar area shall not exceed 25% of the public area within the leasable area of the establishment. At all times during normal meal hours the site shall act as a bona fide restaurant with a full menu offering complete meals. During times of live entertainment food service shall be provided until 12:00 a.m., as identified in the operational statement with a “Bar Menu”.	5	Rookies	
Noise Standards			
That the project be required to maintain the noise standards found in Visalia Municipal Code Section 8.36.040.	21	Longshot	
Amplified live entertainment is permitted between the hours of 7:00 p.m. and 10:00 p.m. Outside live entertainment shall not exceed sixty (60) decibels at fifty (50) feet from noise origin. Similar activities in nature and intensity may be allowed as determined by the City Planner. Any subsequent change to hours of the live entertainment shall require an amendment to the Conditional Use Permit.	22	Longshot	
All exterior doors <u>and windows</u> shall remain closed at all times when the premises are providing live entertainment.	16	Sebby's	
All exterior doors and windows shall remain closed at all times when the premises is providing live entertainment. Doors must be solid and may not solely consist of a screen door or ventilated security door.	11	Rookies	
During live entertainment, all exterior doors and windows shall remain closed at all times when the premises is providing live entertainment.	16	Longshot	
Security Plan			
A copy of the approved and signed Security Plan shall be provided to Visalia Police Department and Visalia Code Enforcement prior to beginning live entertainment hours.	23, 13	Longshot, Sebby's	
That the owner/operator shall hold and implement the security plan, as approved by the Visalia Police Department, on the premise at all times that includes the following:	24, 20, 16	Longshot, Sebby's, Rookies	
a.) Prior to any type of live entertainment identified in this use permit the owner/operator shall prepare and submit to the Visalia Police Department a security plan for approval. Approval of the security plan by the Visalia Police Department shall not be unreasonably denied. The contents of the Security Plan shall be incorporated as conditions of approval for Conditional Use Permit No. 2025-30.			
b.) The Security Plan shall identify the establishment's designated contact person for all safety and security management which shall be provided to the Visalia Police Department and Code Enforcement and shall include the telephone numbers and e-mail address where the contact person may be reached 24 hours a day, seven days a week. The Security Plan shall also provide the telephone number for direct contact with the business during business hours. The Security Plan shall be amended and resubmitted to the Visalia Police Department and Code Enforcement, by the business owner and/or the establishment's manager, for any changes to the establishment's designated contact person for all safety and security management matters including updated telephone numbers and e-mail addresses where the contact person may be reached 24 hours a day, seven days a week.			
c.) The burglar and fire alarm shall be monitored by a security company 24 hours a day, seven days a week.			

Attachment "B"

d.) Designate an adequate number of security personnel who will monitor and control the behavior of customers inside the building, any portable non-permanent rope or metal railing style system patron queue on the public sidewalk for the business, and any private parking lot under the establishment's control. The security personnel must all be security guards with a valid license issued by the California Bureau of Security and Investigative Services. The licensed security personnel may be employees of the establishment or licensed security personnel retained from a licensed security firm. All on-duty licensed security guards shall comply with the uniform requirements set forth in California Business & Professions code section 7582.26.			
e.) The business owner and/or their management staff/employees of the establishment shall correct any and all safety or security problems or Security Plan violation as soon as receiving either verbal and/or written notice of such problems from either the Visalia Police Department, Planning and Community Preservation Department, and/or the Neighborhood Preservation Code Enforcement Division. After the initial security plan is approved and implemented, it is the responsibility of the owner or owner's designee / management staff to contact the Visalia Police Department to inquire about police calls for service or public safety problems noted at the location. Contact may be made in person, by telephone or by electronic mail. Review of police calls for services may be conducted at any time by the Visalia Police Department, Planning and Community Preservation Department, and/or the Neighborhood Preservation Code Enforcement Division and may be used as the basis to require revisions to the security plan or to initiate suspension of the conditional use permit and begin the proceedings to revoke the conditional use permit.			
f.) The applicant/business owner shall maintain at all times a copy of the current Security Plan and conditional use permit conditions of approval on the premises at all times and shall present the Security Plan immediately upon request by a police officer or code enforcement officer.			
g.) During the days and hours live entertainment is permitted, the licensed uniformed security personnel and management staff shall maintain a count of and accurately report the total number of persons in the building upon immediate request by either the Building Official, Fire Marshall, police officer, or code enforcement officer.			
h.) In the event the physical security plan is withdrawn or revoked, no live entertainment shall occur until such time the security plan has been approved by the Visalia Police Department.			
i.) Half an hour prior to, during, and half an hour after the times of entertainment, a fully functional color digital video camera must be in place to record the activities of patrons on the premises. The interior of the business must have at least one camera placed to focus on each area where alcoholic beverages are being dispensed (this shall include any outside patio area where alcoholic beverages are dispensed). Additionally, there shall be at least one camera placed to focus on each of the following areas: front door(s) and/or entry area, any area outside where patrons wait to enter the establishment, and the open floor space area inside the restaurant establishment.			
j.) The camera storage capacity should be for at least ten (10) calendar days. The monitoring camera/video system must continuously record, store, be capable of playing back images and be fully functional at all times. Any recordings of suspected criminal activity shall be provided to the Visalia Police Department within 24 hours of the initial request.			
During the days and hours live entertainment is permitted, all security personnel hired to ensure the safety of patrons within the establishment and patrons waiting to enter the establishment shall be licensed security guards and shall comply with the uniform requirements set forth in California Business & Professions code section 7582.26	21, 18	Sebby's, Rookies	
Micro-Brewery/Micro-Winery Overlay District Conditions			
Underage patrons (under 21 years of age) shall not remain upon the establishment premises after 10:00 p.m. nightly.	25	Longshot	
Minor patron (under 18 years of age) shall be accompanied by a parent or legal guardian at all times.	26	Longshot	
Underage patrons shall not sit at the bar or serving counter areas of the establishment.	27	Longshot	
The establishment shall provide fames, activities, non-alcoholic beverages and snack foods suitable to all ages patrons. Games and activities may include, but are not limited to table games, board games, shuffleboard, corn-hole, drawing paper and crayons, puzzles, video and arcade games.	28	Longshot	