

EXHIBIT 'A'



**City of Manteca
Development Services Department**

**Conditions of Approval
Levelz Project
Conditional Use Permit CUP 26-43**

Project Name: Levelz Bar & Nightclub
Project Files: CUP-26-43
Applicant: 209 Entertainment Inc DBA Levelz
Project Location: 159 W Yosemite Avenue, Manteca, CA
Approval Date: August 6th, 2026
Expiration Date: August 17th, 2026

City of Manteca Development Services Department - Planning: (Contact: (209) 456-8565)

1. **APPROVED USE:** This Conditional Use Permit 26-36 allows for the operation of a Bar/Nightclub Use within an existing $\pm 2,988$ sq. ft. building subject to the conditions set forth herein and shall be contingent upon final review and approval by the City of Manteca. (Use Type(s)): Bar/Nightclub Use
 - A. Approval of this Conditional Use Permit runs with the land and shall not be transferable to another location.
 - B. Any material violation of any condition set forth below shall be cause for review and possible modification or revocation in accordance with Sections 17.08.130 (Modification) and 17.08.140 (Revocation of Previously Approved Entitlement), and enforcement corrective action pursuant to Section 17.14.010 (Enforcement, Legal Procedures, and Penalties) of the Manteca Municipal Code.
 - C. Any modification resulting in an intensification or expansion of the on-site alcohol sales and its associated ancillary use(s) beyond those approved for the site by this use permit shall be subject to review and approval by the Development Services Director, unless referred to the Planning Commission at the discretion of the Development Services Director or as mandated by the Manteca Municipal Code.

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- D. Approval of this use permit allows for the establishment and operation of alcohol sales and/or consumption subject to a Type 48 [On-Sale] ABC License issued by the State Department of Alcohol Beverage Control.
 - E. The property owner, benefactor, and employees shall be responsible for compliance with all applicable conditions, restrictions, and regulations mandated by the State Department of Alcohol Beverage Control.
 - F. Security surveillance cameras shall be installed in all areas where alcohol is sold and/or consumed.
 - G. Security surveillance footage shall be stored for a period of no less than 30 days, unless a greater period of time is mandated by State law. Security surveillance footage shall be made available to authorized Police Department personnel upon request.
 - H. The property owner and/or benefactor of this conditional use permit shall be responsible for ensuring compliance with all conditions of approval at all times, including all State and Federal requirements. Failure to comply with the conditions of approval set forth shall be cause for review, modification, and possible revocation pursuant to MMC 17.08.140.
 - I. The Applicant/Benefactor of the conditional use permit shall submit a Security and Operational Plan for final review and approval by the Development Services Director prior to issuance of final occupancy.
 - J. Regular business operations shall occur Thursday through Sunday between the hours of 7:00 PM and 2:00 AM. The hours of operation may vary Monday through Wednesday; however, all business operations shall close no later than 2:00 AM on any day. Any modifications to the hours of operation shall require prior approval from the Development Service Director.
 - K. Noise levels shall not exceed 65 decibels from 7:00 AM to 10:00 PM and 60 decibels from 10:00 PM to 7:00 AM. Applicant shall take measures to ensure that music and patrons are not excessively loud. Doors and windows shall remain closed during live entertainment or amplified music except for ingress and egress.
 - L. No business operations shall obstruct the emergency exits, entrances, or public rights-of-way.
 - M. All outdoor lighting shall fully illuminate at the minimum necessary level for safety and security.
 - N. Security personnel shall be on-site during all hours of operation.
 - O. Permitted uses shall occur only within the interior of the building.
 - P. The conditional use permit may be voluntarily surrendered without further action upon submittal of written notice to the Development Services Director by the property owner and benefactor(s) of the use.
2. **Expiration.** Any permit not effectuated within two years of approval shall expire and become void, except where an extension of time is approved in compliance with MMC Subsection 17.08.120(C) (MMC Section 17.08.120(A)).
3. **Effectuation.** Unless otherwise specified, effectuation of this approval shall be at building permit issuance. All Conditions of Approval and ordinance requirements shall be fulfilled prior to the establishment of the use at final building occupancy.

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4. **Fees.** The developer shall pay all applicable processing fees, permit fees, City development fees, fire fees, school fees, drainage fees, habitat conservation fees, and other public entity fees in effect at the time of the issuance of the applicable permit.
5. **Conformance to Plans.** This approval is dependent upon and limited to the proposals and plans contained, supporting documents submitted, presentations made to staff, Planning Commission and/or City Council as affirmed to by the applicant as shown on the application. Any deviation or modification from these plans, proposals, supporting documents or presentations is subject to review and approval prior to implementation. Approval of this application does not constitute approval of any other entitlement or any other necessary permit, license, or approval.
6. **Utility Companies.** The applicant is responsible for contacting all appropriate utility companies to obtain agreements for extension and/or relocation of services necessary for the proposed development.
7. **Vested Rights.** This approval does not vest applicant's rights regarding future development. All ordinances, resolutions, rules, regulations and official policies governing design, improvement and construction standards and specifications applicable to the project and public improvements to be constructed by the Developer shall be those in force and effect at the time the applicable plan or permit approval is granted.
8. **Vesting Fees:** This approval does not vest developer or Landowner's rights regarding the payment of any development impact fees, exactions and dedications, processing fees, inspection fees, plan checking fees or charges, or any other fee or charge that could have been legally imposed by the City when the original application was deemed complete. All fees and charges shall be paid at the rate in effect at the time such fees are customarily due.
9. **Building Plans.** The developer shall write all conditions of approval for this project on all building permit plan sets submitted for review and approval. These conditions of approval shall be included on all grading and construction plans kept on the project site at all times. It is the responsibility of the building developer to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Manager must be received before any changes are constituted in site design, grading, building design, building colors or materials, etc.
10. **Limits of Approval.** Approval of this application(s) does not constitute approval of any other entitlement or any other necessary permit, license, or approval.
11. **Compliance with Local and State Laws.** The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
12. **Changes in Law.** This approval shall not preclude the application to the development of the property of changes in City laws, regulations, plans or policies, the terms of which are specifically mandated and required by changes in State or Federal laws or regulations.
13. **Site Maintenance.** At all times, the site shall be maintained in a neat and clean manner free of trash and debris. This includes any street frontage, sidewalk, and alley area within twenty feet of the primary building.
14. **Signs.** Sign details shall be consistent with MMC Section 17.54 of the Zoning Ordinance and be included on the Site Plan.
15. **Indemnification.** The applicant shall indemnify and hold harmless the City, its council members and commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs and fees, including without limitation attorneys' fees, incurred by the City and/or awarded to any plaintiff in any action related to or arising out of the City's approval of this project

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or site plan or any environmental or other documentation related to this project. The applicant further agrees to provide a defense for the City in any such action.

16. **Failure to Comply.** Should the project be found, at any time, not to comply with any of the Conditions of Approval, or should the applicant construct or operate in any way other than specified in the application or supporting documents or presentations to the approving authority, the terms of this Approval shall be considered to be violated.
17. **Enforcement.** If at any time, any of the Conditions of Approval are found to be in non-compliance, City enforcement and corrective action may be implemented pursuant to MMC Section 1.10. All costs associated with compliance with the conditions shall be at the owner/developer's expense.

City of Manteca Development Services Department - Building: (Contact: (209) 456-8571)

18. **Project Response.** Be advised that the occupancy load that will be used to determine required restroom facilities which may be problematic based on the draft floorplan.

Conditions of Approval

19. Building Permits shall be required to be obtained for the change in use and change in occupancy which will trigger additional improvements to the tenant space (accessibility, plumbing fixtures, egress, etc.)
20. Accessible routes shall be provided per CBC§ 11B-206. At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger drop-off and loading zone; public streets and sidewalks; and public transportation stops to the accessible buildings or facility entrances they serve. Where more than one route is provided, all routes must be accessible. CBC §11B-206.2.1.
21. At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements, and accessible spaces that are on the same site. CBC §11B-206.2.2.
22. All entrances and exterior ground-floor exits to buildings and facilities shall be accessible and shall comply with CBC§ 11B-404. CBC§ 11B-206.4.1.
23. Adequate sanitary facilities shall be provided per the requirements of Chapter 4 of the California Plumbing Code and CPC Table 422.1.
24. At the time of building permit submittal, the developer shall incorporate all Conditions of Approval from all departments and imprint them into the submittal set of construction documents/plans.
25. All work shall comply with the most recent edition of the California Building Code (Title 24).

City of Manteca Development Services Department – Economic Development : (Contact: (209) 456-8016)

Security and Public Safety

26. A minimum of 4 licensed security personnel shall be present during hours when alcohol is served. Security personnel shall monitor both the interior and exterior of the establishment, including adjacent sidewalks, parking areas, and alleys.
27. Security personnel shall remain on-site for a minimum of 60 minutes following the cessation of alcohol service to assist with the orderly dispersal of patrons.

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28. The operator shall utilize an electronic identification scanning and verification system at all public entrances during hours of operation to verify patron age and identify fraudulent identification.
29. The operator shall promptly report criminal activity, violent incidents, assaults, disturbances, or other significant public safety concerns to the Manteca Police Department.
30. The establishment shall be operated in a manner that does not create a public nuisance or adversely impact public health, safety, or welfare. Repeated incidents involving violence, assaults, public intoxication, excessive calls for police service, underage drinking, excessive noise outside of permitted hours, or other criminal activity associated with the establishment may result in review, modification, suspension, or revocation of this Conditional Use Permit.
31. The City reserves the right to review this Conditional Use Permit at any time should the establishment become a source of recurring public safety concerns, nuisance activities, or code violations. Following notice and hearing, the Planning Commission may modify, suspend, or revoke the permit.

Smoking and Exterior Areas

32. Smoking and vaping shall be prohibited within the front entrance area, sidewalk frontage and any area visible from the primary entrance of the establishment.
33. Patrons shall not be permitted to congregate, loiter, or consume alcohol outside the establishment in a manner that obstructs sidewalks, alleyways, neighboring businesses, or public access.
34. The rear alley shall remain clear and accessible at all times for emergency vehicles, service vehicles, deliveries, and public safety access.

Exterior Appearance & Property Maintenance

35. The operator shall maintain the front of the establishment, adjacent sidewalks, alleyways, and areas under its control in a clean, orderly, and litter-free condition at all times.
36. Adequate trash receptacles shall be provided and regularly serviced to prevent overflow, litter, and debris from accumulating on adjacent properties, sidewalks, parking areas, or alleys.
37. The operator shall inspect and clean the exterior frontage, sidewalk, and adjacent alley areas at the close of business each operating day.
38. The operator shall promptly remove litter, broken glass, cigarette butts, graffiti, bodily fluids, food waste, and other nuisances generated by the operation of the business.
39. The City may require pressure washing or other enhanced cleaning measures if spills, staining, unsanitary conditions, or excessive buildup occur on sidewalks, building frontage, or adjacent public areas.
40. Excessive promotional materials, flyers, posters, banners, or similar advertisements shall not be displayed on exterior windows, doors, or building façades in a manner that detracts from the appearance of the building or Downtown streetscape.
41. Sandwich boards (A-frame signs), temporary signs, and other promotional displays shall comply with the Manteca Municipal Code and shall not obstruct sidewalks, pedestrian pathways, or required ADA access routes.

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- 42. Any patron line or queue forming outside the establishment shall be managed by staff and contained through the use of stanchions or other approved crowd-control devices.
- 43. Patron lines shall not block building entrances, neighboring businesses, public sidewalks, parking areas, or required ADA clearances.
- 44. The applicant is encouraged to work with the City on decorative enhancements that contribute positively to the Downtown environment, including but not limited to public art, murals, façade improvements, decorative lighting, or similar placemaking features.

Alcohol Service and Operations

- 45. All managers and employees involved in the sale or service of alcoholic beverages shall maintain Responsible Beverage Service (RBS) certification as required by the California Department of Alcoholic Beverage Control.
- 46. No alcohol shall be served to visibly intoxicated persons.
- 47. No drinking games, drinking contests, or promotions encouraging excessive alcohol consumption shall be permitted.

City of Manteca Police Department : (Contact: (209) 456-8210)

- 48. The use of third-party promoters, outside event hosts, or contracted entertainment coordinators shall be prohibited unless prior written approval is obtained from the City. All events shall remain under the direct control and management of the permittee.
- 49. The operator shall maintain a written or electronic incident log documenting all significant events, including but not limited to disturbances, fights, ejections, refusals of service, medical responses, and law enforcement contacts. Said log shall be maintained on-site and made available to the Manteca Police Department upon request.
- 50. If the establishment exceeds five (5) calls for police service within any thirty (30) day period, as determined by the Manteca Police Department, or incurs three (3) or more calls within any thirty (30) day period involving violence, weapons, underage drinking, public intoxication, or disorderly conduct, the Conditional Use Permit may be subject to review and additional conditions, modification, or revocation.
- 51. Weapons shall be prohibited on the premises to the extent allowed by law. The Manteca Police Department may require additional security screening measures, including bag checks or handheld metal detectors, based on operational conditions or incident history.
- 52. The operator shall participate in a periodic operational review with the Manteca Police Department within the first 6 to 12 months of operation, or as requested, to assess compliance and address any emerging public safety concerns.

City of Manteca Fire Department: (Contact: (209) 456-8311)

Project Specific comments: Conditions of approval

- 53. A-2 Maximum Occupancy Load will not exceed 99. 100 or more will require Fire Sprinklers.

Fire Department General Conditions:

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54. Site Address: Building address numbers shall be plainly visible from the street fronting the property.
55. A Fire Department approved "key lock box" shall be properly installed near the main entrance. A 3200 series lock box(s) can be order online directly from KNOXBOX.COM. Contact the Office of the Fire Marshal at FireMarshal@mantecafire.org for additional information.
56. Trash enclosures/dumpsters shall not be allowed within 5 feet of any combustible walls, openings, or combustible roof eaves, unless protected by an automatic fire sprinklers.

56. All above comments shall be listed in the Building Permit Plan Submittal in a section designated for Fire Comments. Additionally, the Authority Having Jurisdiction should be listed as:

Authority having Jurisdiction:

City of Manteca Fire Department,
Office of the Fire Marshal
Fire Inspector II Luis "Art" Salas
124 Sycamore Ave, Manteca CA 95336

*** End of Conditions ***