Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

August 2, 2016

David Weissglass
Art Rodriguez and Associates
709 East Colorado Boulevard, Suite 200
Pasadena, CA 91101

REGARDING: **PROJECT NO. 00-36**
CONDITIONAL USE PERMIT NO. 201100020
25580 THE OLD ROAD, VALENCIA (APN: 2826-096-007)

Hearing Officer Patricia Hachiya, by her action of **August 2, 2016**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **August 16, 2016. Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Anthony Curzi of the Zoning Permits North Section at (213) 974-6443, or by email at acurzi@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Robert Glaser, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement

RG:AMC

CC 060412

FINDINGS OF THE HEARING OFFICER AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. 00-36
CONDITIONAL USE PERMIT NO. 201100020

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201100020 ("CUP") on August 2, 2016.

2. The permittee, Wood Ranch BBQ & Grill ("permittee"), requests the CUP to authorize the sale of alcoholic beverages (beer, wine, and distilled spirits) (ABC Type 47 License) for on-site consumption ("Project") on a property located at 25580 The Old Road in the unincorporated community of Valencia ("Project Site") in the C-3-DP (General Commercial – Development Program) Zone pursuant to Los Angeles County Code ("County Code") section 22.28.210.

3. The Project Site is 30,719 square feet in size and consists of one legal lot. The Project Site is rectangular in shape with flat topography and is developed with the subject restaurant, which is located in a large multi-tenant shopping center, the Valencia Marketplace.

4. The Project Site is located in the Newhall Zoned District and is currently zoned C-3-DP.

5. The Project Site is located within the "CM" (Major Commercial) land use category of the Santa Clarita Valley Area Plan ("Area Plan") Land Use Policy Map.

6. Surrounding Zoning within a 500-foot radius includes:

   Surrounding properties are zoned as follows:
   North: O-S (Open Space), R-1 (Single-Family Residence)
   South: C-3 (General Commercial)
   East: City of Santa Clarita
   West: RPD-5,000-26U (Residential Planned Development – 5,000 Square Foot Minimum Required Lot Area – 26 Units per Acre)

7. Surrounding land uses within a 500-foot radius include:

   North: Vacant land
   South: Recreational vehicle sales (Camping World), second-hand store and donation center (Goodwill), restaurant (Coco's).
   East: College (California Institute of the Arts), golf course, single-family residences, Golden State (I-5) Freeway
   West: Single-family residences, senior housing (272 units), credit union, beauty salons, restaurants, Fed Ex

8. Ordinance No. 7486 established the A-2-5 (Heavy Agricultural – Five Acre Minimum Required Lot Area) Zone on March 3, 1959. Ordinance No. 940066Z established the

C-3-DP Zone on the subject property on August 23, 1994. CUP 92-075-(5) established the subject shopping center, with approximately 829,000 square feet of retail and restaurant space, (Valencia Marketplace) on the subject site on August 23, 1994. CUP 00-36 established alcohol sales at the subject site on September 19, 2000. That permit expired on September 19, 2010.

9. The site plan depicts the subject restaurant toward the center of the Valencia Marketplace shopping center. Large big-box retailers (Walmart, Bed Bath & Beyond, Ross, Marshalls, etc.) are located along eastern side of the center, while smaller retailers and restaurants are developed along the western side near The Old Road. The subject site is located on a separate 30,719-square-foot parcel, at the corner of The Old Road and a driveway to the shopping center. A floor plan of the restaurant depicts the dining room, kitchen, employee areas, and restrooms of the establishment.

10. The Project Site is accessible via The Old Road to the west and Stevenson Ranch Parkway to the north. Primary access to the Project Site will be via an entrance/exit on The Old Road. Secondary access to the Project Site will be via an entrance/exit on Stevenson Ranch Parkway.

11. The Project will provide a total of 98 parking spaces. The Valencia Marketplace has over 3,000 total parking spaces.

12. A report from the County Sheriff's Department ("Sheriff's Department") dated January 5, 2016 was received. The report stated that the Sheriff's Department has responded to routine service calls at the subject location 17 times in the past five years: four were reports for burglary, such as break-ins to parked cars and patrons leaving without paying for their meals. There were three incidents of intoxicated individuals. However, the Sheriff's Department has stated that such calls are routine in nature and that the establishment has not been a problem. The Sheriff's Department recommends approval of the CUP.

13. The State Department of Alcoholic Beverage Control (ABC) submitted a report dated July 28, 2016 regarding the project. The report stated that the subject location is in a high crime reporting district, is in an area with an undue concentration, and that a letter of public convenience or necessity is required.

14. A duly-noticed public hearing was held before Hearing Officer Patricia Hachiya. Staff presented the case and recommended approval. The applicant's representative, David Weissglass, was present and stated that the applicant agreed with the Project's Conditions. The Hearing Officer then closed the public hearing, found the Project exempt from CEQA, and approved the CUP with a 15-year grant term as recommended by staff.

15. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental

Document Reporting Procedures and Guidelines for the County, because the Project involves the continued sale of alcoholic beverages in an existing restaurant.

16. The Hearing Officer finds that the Project is compatible with the C-3-DP Zoning as alcohol sales are permitted in that zone with approval of a CUP.

17. The Hearing Officer finds that the project site is compatible within the "CM" (Major Commercial) land use category of the Area Plan. This commercial designation is intended for large-scale and regionally serving uses that draw from a large market area. The project is for the continued sale of alcoholic beverages for on-site consumption in a restaurant in a multi-tenant commercial center. Alcoholic beverages, as part of the dining experience, will contribute to the viability of the restaurant and help activate the shopping center by attracting visitors seeking a full-service dining experience throughout the day, including evening hours when the retail establishments are closed. In addition, the commercial center houses various other existing restaurants that sell alcoholic beverages.

18. The Hearing Officer finds that the proposed sale of alcoholic beverages will result in a public convenience and necessity as it will continue to provide another location for residents and others to purchase alcoholic beverages for on-site consumption to enhance the dining experience.

19. The Hearing Officer finds that Project meets all zoning code as the subject building was previously approved with a plot plan, and meets all setbacks, height requirements, parking requirements, and other development standards.

20. The Hearing Officer finds that the proposed use is consistent with the adopted plan for the area as the proposed sale of alcoholic beverages for off-site will occur in a commercial structure in an area designated as commercial on the local community land use plan. Alcohol sales are appropriate in restaurants in commercial areas to provide a full dining experience.

21. The Hearing Officer finds that the proposed use will not adversely affect the health, peace, comfort or welfare of others in the surrounding area or be materially detrimental to the surrounding community or jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare because the use The subject restaurant is well buffered from surrounding residential areas to the west and all immediately surrounding land uses are commercial or public-serving facilities. The proposed use is for the continued sale and serving of alcoholic beverages in an existing restaurant—as is currently operating—that is well-maintained and professionally managed. Alcohol sales for on-site consumption are appropriate in restaurants in commercial areas.

22. The Hearing Officer finds that the subject site is adequate in size to accommodate the development standards for the C-3-DP zone.

23. The Hearing Officer finds that the subject site is adequately served by highways, driveways, and parking lots necessary to accommodate the quantity and type of traffic

generated by the project. The project site is located at the intersection of The Old Road and Stevenson Ranch Parkway. The Old Road is a 100-foot-wide Highway at the Project site. Driveways off of The Old Road and Stevenson Ranch Parkway provide access to the subject property.

24. The Hearing Officer finds that requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius because those uses are adequately buffered from the establishment by roads, landscaping, and other buildings. The Old Road, itself, provides a 100-foot separation from the nearest residential use. Servers will be required to attend official trainings that give guidance on proper alcoholic beverage service such as refusing such beverages to intoxicated individuals and minors.

25. The Hearing Officer finds that the requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment as there are no other establishments within 500 feet that sell alcoholic beverages for either on-site or off-site consumption.

26. The Hearing Officer finds that requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said as the operation and has been selling and serving alcoholic beverages for a number of years without incident and without adverse economic affects. The sale of alcoholic beverages for on-site consumption to accompany meals is appropriate for the area as it is well buffered from residential areas. Alcoholic beverage sales at the subject location allow individuals to enjoy a full dining experience.

27. The Hearing Officer finds that requested use at the proposed location will not adversely affect the economic welfare of the surrounding community because the sale of alcohol will occur as the requested use has been in operation and has been selling and serving alcoholic beverages for a number of years without incident and without adverse economic affects. The sale of alcoholic beverages for on-site consumption to accompany meals is appropriate for the area as it is well buffered from residential areas and helps activate the center, especially in the evening hours.

28. The Hearing Officer finds that the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood because the proposed use would occur in a contemporary and attractively designed building. The building contains ample fenestration and

articulations in its façade, and its design is appropriate and compatible with the surrounding area.

29. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to fifteen (15) years.

30. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of Valencia community. On June 22, 2016, a total of 60 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as 23 notices to those on the courtesy mailing list for the Newhall Zoned District and to any additional interested parties.

31. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

A. The proposed use with the attached conditions will be consistent with the adopted General Plan.

B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

F. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

G. The requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

H. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

THEREFORE, THE HEARING OFFICER:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and

2. Approves Conditional Use Permit No. 201100020, subject to the attached conditions.

ACTION DATE: August 2, 2016

RG: AMC
August 2, 2016

c: Zoning Enforcement, Building and Safety, ABC

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. 00-36
CONDITIONAL USE PERMIT NO. 201100020

PROJECT DESCRIPTION

The project is authorize the continued sale of alcoholic beverages (ABC License Type 47 – Beer, Wine, and Distilled Spirits) for on-site consumption at an existing restaurant (Wood Ranch BBQ & Grill) in the Valencia Marketplace shopping center subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9, shall be effective immediately upon the date of final approval of this grant by the County.

3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.

4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to $5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but

not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of $5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. **This grant shall terminate on August 2, 2031**. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.

9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty- (30-) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the continued sale of alcoholic beverages for on-site consumption and satisfaction of Condition No. 2 shall be considered use of this grant.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these

conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be $200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").

15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.

16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies of** a modified Exhibit "A" shall be submitted to Regional Planning by October 2, 2016.

18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies of** the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT-SPECIFIC CONDITIONS – CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or State of California Department of Alcoholic Beverage Control ("ABC") agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.

20. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.

21. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in either the LEAD (Licensee Education on Alcohol and Drugs) program by ABC, ServSafe program by the National Restaurant Association, or similar program that teaches restaurant staff how to properly and safely serve alcoholic beverages. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.

22. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.

23. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.

24. The permittee shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Planning for approval prior to the approval of the Exhibit "A". A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu.

25. There shall be no music or other noise audible beyond the restaurant premises.

26. No promotional floor displays of alcoholic beverages are permitted in the subject restaurant.

PROJECT SITE-SPECIFIC CONDITIONS

27. This grant shall authorize the continued sale of a full line (beer, wine, and distilled spirits) of alcoholic beverages (ABC Type 47 License) for on-site consumption in association with an existing restaurant.

28. The sale of alcoholic beverages shall be permitted between the hours of 11:00 a.m. to 10:00 p.m. Sundays through Thursdays, and 11:00 a.m. to 11:00 p.m. on Fridays and Saturdays.

29. There shall be no cover charge or prepayment fee for food and/or beverage service required for admission to the restaurant.