



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

October 6, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Joseph Caiello
470 S. Rosemead Blvd
Pasadena, CA 91107

**REGARDING: PROJECT NUMBER 96-205-(5)
Conditional Use Permit No. 200900066, Parking Permit No. 201100002
470 S. Rosemead Blvd., Pasadena, CA 91107**

Dear Applicant:

The Regional Planning Commission, by its action of Wednesday, October 5, 2011, **APPROVED** the above described project and entitlements. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 3 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or and other interested person may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on Wednesday, October 19, 2011.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Andrew Svitek at (213)974-6462 or e-mail at ASvitek@planning.lacounty.gov of the Zoning Permits West Section. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

Richard J. Bruckner
Director

Mi Kim, Acting Section Head
Zoning Permits West Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)

c: DPW (Building and Safety); Zoning Enforcement, ABC, Sheriff, Warren Gray

MK:as

Hearing Footage: 10/14/2011-Item 9

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

**Project No. 96-205-(5)
Conditional Use Permit No. 200900066
Parking Permit No. 201100002
470 South Rosemead Blvd, Pasadena, CA 91107**

HEARING DATE: October 5, 2011

SYNOPSIS:

The applicant is requesting a conditional use permit to continue the sale of a full-line of alcoholic beverages for on-site consumption at an existing restaurant and to authorize the a parking permit for off-site parking in the C-1 (Neighborhood Commercial) Zone within the East Pasadena-East San Gabriel Community Standards District located in the East Pasadena-East San Gabriel Zoned District. No new construction is being proposed.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

October 5, 2011

A duly noticed public hearing was held on October 5, 2011. All Commissioners were present. No representative was present for the applicant. The Commission clarified that the parking permit was contingent on the adjacent parcels being maintained with substantially the same uses to ensure that the parking arrangement remains complementary in respect to the time that parking spaces are in demand. The Commission closed the public hearing and approved the project subject to conditions.

Findings

1. The subject property is located at 470 South Rosemead Boulevard in the East Pasadena Zoned District in the unincorporated community of East Pasadena-East San Gabriel of Los Angeles County.
2. The applicant is requesting a conditional use permit to continue the sale of a full-line of alcoholic beverages (beer, wine and distilled spirits) in conjunction with an existing restaurant.
3. The subject property has been operated and maintained continuously as a restaurant since the 1950s. The restaurant operated with a beer and wine (no distilled spirits) license from the State of California prior to the adoption of the County Zoning Ordinance requiring that establishments obtain a conditional use permit for alcoholic beverage sales. A conditional use permit was required to upgrade from a license limited to the sale of beer and wine to a license permitting the sale of a full line of alcoholic beverages pursuant to Section 22.56.195.A.2.
4. Conditional Use Permit 96-205-(5) was approved on August 27, 1996, and authorized the sale of a full line of alcohol beverages for on-site consumption in conjunction with a restaurant. The permit expired on August 11, 2007.

5. Parking Permit Case No. 92-205-(5) expired on August 27, 1996. The approval was for use of twenty-four off-site parking spaces in a shared arrangement with adjacent commercial properties.
6. The subject property is a rectangular shaped parcel, 10,890 square feet in size, located at 470 South Rosemead Boulevard in unincorporated San Gabriel, in the East Pasadena Zoned District.
7. The subject property is designated with a Commercial land use category in the countywide General Plan.
8. The subject property is zoned C-1 (Neighborhood Commercial). A restaurant is a permitted use in the C-1 Zone.
9. The surrounding properties have the following zoning:
North: C-1 (Neighborhood Commercial) Zone
South: C-1 (Neighborhood Commercial) Zone
East: R-1 (Single Family Residential-10,000 Minimum Lot Size) Zone
West: R-1 (Single Family Residential-20,000 Minimum Lot Size) Zone
10. The properties surrounding the subject property have the following land uses:
North: Retail Commercial (paint store, auto repair)
South: Restaurant, dental office, medical clinics
East: Single Family Residential
West: Single Family Residential
11. The site plan depicts a one-story commercial building, measuring approximately 3,200 sq. ft. in area. The occupancy load of the building is 90 persons. Twelve parking spaces are indicated on the subject property, including 1 accessible space. The site takes access from Rosemead Blvd to the west.
12. The restaurant is an existing and permitted use in the C-1 (Neighborhood Commercial) Zone. The use is also consistent with the Commercial category of the Countywide General Plan.
13. The restaurant is sufficiently buffered in relation to any residential area within a 600-foot radius. The nearest residence is adjacent to the subject property to the east on Raymond Drive. The residential lot is buffered by a block wall.
14. The development in the vicinity of the project is a mixture of commercial and single family residential. The subject property fronts Rosemead Boulevard and is located along a street frontage which is commercial; single family residences are located directly across the street to the west and adjacent to the subject property to the east.

15. The restaurant is currently selling a full line of alcohol for on-site consumption. The sale of alcoholic beverages is incidental to serving food. The applicant has an active Type-47 alcohol license since September 22, 1997.
16. There is one other establishment within 500 ft. of the site which sells alcoholic beverages; a restaurant that sells beer and wine for on-site consumption (President Thai is located at 498 S. Rosemead Boulevard and has a Type-41 alcohol license).
17. There is one church within 600 ft. of the subject property (Life Church is located at 380 S. Rosemead Blvd.). No other sensitive uses (schools and parks) are located within 600 ft of the subject property.
18. The sale of alcoholic beverages will not adversely affect the economic welfare of the nearby community.
19. According to Section 22.56.990, the applicant has requested a parking permit to authorize an alternative parking arrangement to satisfy the parking requirement.
20. The restaurant has an occupancy load of 90 persons. Under Section 22.52.1110, 30 spaces are required (1 parking space per 3 persons). There are 12 parking spaces indicated on the subject property, leaving a deficit of 18 spaces. The applicant is requesting that the 18 remaining parking spaces be provided off-site in order to comply with the Code requirements for number of parking spaces.
21. One public comment was received in support of this request.
22. The proposed use is consistent with the adopted general plan because the property is designated for commercial uses and the use is a neighborhood serving restaurant that provides desirable commercial services to the surrounding area.
23. The requested use at this location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area because it is a family-friendly restaurant that has been in operation with no neighborhood concerns by the same operator for at least ten years.
24. The requested use will not be materially detrimental to the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, as the food and beverage service is conducted within the building and the site is sufficiently buffered by fences and parking areas from adjacent properties.
25. The requested use will not endanger or otherwise constitute a menace to the public health, safety and general welfare because the restaurant is required to comply with all applicable health and safety codes and is subject to inspections from all licensing agencies. The conditional use permit requires that the permittee complies with all health and safety regulations.

26. The site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features required for the restaurant use. The site is fully developed. The parking permit authorizes the use of spaces on adjacent parcels to meet the total number of required parking spaces. The additional parking areas are conveniently located for the customers and employees of the restaurant.
27. The site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate because it takes access from Rosemead Boulevard, which is a four lane street and is recognized as a Major Highway in the County Plan of Highways.
28. Compatibility with surrounding land use will be ensured through implementation of the attached conditions by limiting the hours of operation and requiring that the sale of alcoholic beverages is well regulated.
29. Establishment of the sale of a full line of alcoholic beverages at such location is in the interest of the public health, safety and general welfare and in conformity with good zoning practice because it will allow for the continued operation of the family-friendly restaurant that serves as a convenient dining destination of the surrounding area.
30. 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 because it is sufficiently buffered by other commercial uses from a church located within 600-feet on Rosemead Boulevard.
31. The requested use in the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect the same are because there is a parking area and a wall that separate the restaurant from the nearest residence on Raymond Drive.
32. The requested use will not adversely affect the economic welfare of the nearby community because it is a family-friendly restaurant that primarily serves food and provides a convenient dining destination for the surrounding community.
33. The requested use at the proposed location will not result in an undue concentration of similar premises because there is only one other restaurant with on-site alcohol service within a 600-foot radius. The other restaurant is also located on Rosemead Boulevard, which is the major commercial thoroughfare that serves the neighborhood commercial needs of the community.
34. The sale of a full line of alcoholic beverages at this location will not tend to create a law enforcement problem as the conditions of approval limit the hours of operation of the restaurant and require that alcoholic service be properly regulated.
35. 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 the neighborhood because the parking areas and building are well maintained, and the conditions require that graffiti be promptly removed and that any landscaping areas be continuously maintained.

36. The actual need for the number of parking spaces is less than the number of parking spaces required by Part 11 of Chapter 22.52 because the nature of the use is such that there is a reduced occupancy. The restaurant is housed within a large building that has a large occupancy load (90 persons) which is not standard practice to fill in the regular course of business due to the number of other restaurants in the area. Notwithstanding that the need for parking spaces is lower, the applicant has met the required number of parking spaces with the provision that some can be located on adjacent properties.
37. There will be no conflicts arising from special parking arrangements allowing shared facilities, tandem spaces or compact spaces because uses sharing parking facilities operate at different times of the day or days of the week because the restaurant primarily operates in the evenings and on the weekends, whereas the adjacent dentist office and auto mechanic shop operate during weekdays.
38. The off-site facilities will provide the required parking for uses because such off-site facilities are controlled through ownership, leasing or other arrangement by the owner of the use for which the site serves and are conveniently accessible to the main use because the applicant has obtained written authorization from the owners and tenants of the adjacent properties to utilize their parking areas in a shared arrangement.
39. The requested parking permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property because the total number of parking spaces required by code are being provided in a convenient location and the actual regular business of the restaurant is lower than the maximum occupancy load of the building.
40. The parking permit is contingent on the adjacent parcels being maintained with substantially the same uses as existed on the date of the grant of the permit to ensure that the parking arrangement remains complementary in respect to the time that parking spaces are in demand.
41. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the terms of the alcohol permit to fifteen (15) years and the parking permit to thirty (30) years.
42. The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning 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, CA 90012. The custodian of such documents

and materials shall be the Section Head of the Zoning Permits West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

REGARDING THE CONDITIONAL USE PERMIT:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of the 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 and general welfare;
- C. That, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. That, the proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required;
- E. Compatibility with surrounding land use will be ensured through implementation of the attached conditions;
- F. Establishment of the sale of a full line of alcoholic beverages at such location is in the interest of the public health, safety and general welfare and in conformity with good zoning practice;
- G. 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;
- H. The requested use in the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect the same area;
- I. The requested use will not adversely affect the economic welfare of the nearby community;
- J. The requested use at the proposed location will not result in an undue concentration of similar premises;
- K. The sale of a full line of alcoholic beverages at this location will not tend to create a law enforcement problem;
- L. 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 the neighborhood;

REGARDING THE PARKING PERMIT:

- A. That there will be no need for the number of parking spaces required by Part 11 of Chapter 22.52 because the nature of the use is such that there is a reduced occupancy;
- B. That there will be no conflicts arising from special parking arrangements allowing shared facilities, tandem spaces or compact spaces because uses sharing parking facilities operate at different times of the day or days of the week;

- C. That off-site facilities will provide the required parking for uses because such off-site facilities are controlled through ownership, leasing or other arrangement by the owner of the use for which the site serves and are conveniently accessible to the main use;
- D. That the requested parking permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property;
- E. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in this Title 22.

REGIONAL PLANNING COMMISSION ACTION:

- 1. We have considered the Categorical Exemption for this project and certify that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 200900066 and Parking Permit No. 201100002 is APPROVED, subject to the attached conditions.

c: Regional Planning Commission, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. 96-205-(5)
PARKING PERMIT NO. 201100002**

PROJECT DESCRIPTION

The project is a request for a parking permit to authorize the maintenance of 18 required parking spaces in an off-site parking area, in a shared arrangement with adjacent properties, 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 fully 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 fully 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 5, 2037.** 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 parking 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 restaurant 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 **\$1,200.00**. 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 six (6) inspections, approximately one inspection every five years. 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 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.
13. All requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. 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 notification 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.

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

PERMIT SPECIFIC CONDITIONS FOR PARKING PERMIT

17. The occupancy of the restaurant shall not exceed 90 persons.
18. This parking permit shall automatically terminate and cease to be in effect if the subject property ceases to be operated and maintained as a restaurant, and the required parking must be provided except as otherwise authorized by a new parking permit.
19. The parking permit shall automatically terminate if any of the available number of parking spaces available for the restaurant use is reduced below 30 spaces. As the parking permit authorizes a shared arrangement between uses with a need for parking spaces at complementary times, if there is a substantial change in the use or occupancy of the adjacent properties on which parking is being provided, then this parking permit shall terminate.

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. 96-205-(5)
CONDITIONAL USE PERMIT NO. 200900066**

PROJECT DESCRIPTION

The project is a request for a conditional use permit to continue the sale of a full-line of alcoholic beverages (beer, wine, and distilled spirits) for on-site consumption at an existing restaurant, 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 fully 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 fully 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 5, 2022.** 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 and parking 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 **restaurant with the sale of full-line 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 **\$2,400.00**. 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 twelve (12) annual 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 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.
13. All requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. 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 notification 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.

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

PERMIT SPECIFIC CONDITIONS FOR ALCOHOL SALES

17. 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 Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
18. 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.
19. 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 the

LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. 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.

20. 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.
21. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
22. 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.
23. This grant authorizes the sale of alcoholic beverages from 11 a.m. to 12:00 a.m. every day of the week.
24. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary.
25. 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.
26. All servers of alcoholic beverages shall be at least 18 years of age.
27. There shall be no music or other noise audible beyond the restaurant premises.
28. The sale and serving of alcoholic beverages for consumption outside the restaurant shall be prohibited.